IN THE CHANCERY COURT OF THE
FIRST JUDICIAL DISTRICT OF HINDS COUNTY,
MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE
MYERS and TAMORA ROBINSON

PLAINTIFFS

VS. CIVIL ACTION NO. 94-G-1849

LOTTIE GRIFFIN (Now CAMPBELL)

DEFENDANT

AMENDED SUIT FOR DECLARATORY
JUDGMENT

COMES NOW, CLAUDE GRIFFIN, CLYDA MAE MYERS and TAMORA ROBINSON and pursuant to Rule 57 of the Mississippi Rules of Civil Procedure and request the Court to issue a Declaratory Judgment on the rights of certain properties they own lying in the First Judicial District of Hinds County, Mississippi and for cause would show unto the Court the following, to-wit:

1.

The Plaintiff, Claude Griffin is an adult resident citizen of Harrison County, Mississippi. The Plaintiff, Tamora Robinson is an adult resident citizen of Hinds County, Mississippi, and the Plaintiff, Clyda Mae Myers is also an adult resident citizen of Hinds County, Mississippi.

2.

The Defendant, Lottie Griffin (now Campbell), is an adult resident citizen of Jackson, Hinds County, Mississippi and may be served with process at 3957 Azalea Drive, Jackson, Mississippi.

3.

The Plaintiffs are the owners of certain lands lying and being situated in the First Judicial District of Hinds County, Mississippi and are described as follows:

**Property Owned by the Plaintiff Tamora Robinson:**

Tract 1:

Lot Twenty (20), Block "L", Plymouth Heights, 3rd Unit, a Subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 3,at page 68, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Tamora Robinson from Eolyn Griffin, by Deed dated January 17, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 391 of the Deed Records as found in

the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

**Property Owned by the Plaintiff Clyda Mae Myers:**

Tract 2:

Lot 22, Block "48", Elraine Resurvey, Part 1, a Subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 4, at page 70, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Clyda Mae Myers from Eolyn Griffin, by Deed dated January 24, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 393 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Tract 3:

Lot 13, Block "45", Elraine Resurvey, Part 1, a Subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 4, at page 70, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Clyda Mae Myers from Eolyn Griffin, by Deed dated January 24, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 387 of the Deed Records as found in

the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Tract 4:

Lot 10 and 11, Block "45", Elraine Resurvey, Part 1, being a Resurvey of a part of "Elraine" a Subdivision of lands in said district of said County, as shown by the plat of said Subdivision and said Resurvey on file in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Being the property conveyed to Clyda Mae Myers from Eolyn Griffin, by Deed dated January 24, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 389 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

**Property owned by the Plaintiff Claude Griffin:**

Tract 5:

Lot Nine (9), Sunny-Side, according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 1, at page 44, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 246 of the Deed Records as

found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Also Plaintiff Claude Griffin owns the following described property which is now in controversy in cause number 137,128: Lottie Griffin vs. Sylvester Griffin, Chancery Court First Judicial District of Hinds County, Mississippi

TRACT "A"

Lot 22 Block 10 of Greenfield Subdivision, Part 3, a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 252 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

TRACT "B"

Lot Forty-Two (42), Block "M", Plymouth Heights, 3rd Unit, according to the map or plat on file thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in plat book 3 at page 68, reference thereof is hereby made.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed

Book 4340, at page 250 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

TRACT "C"

Lots 2 and 4 of Block 20 of Shady Oaks, Part 10 as indicated on the map or plat on file thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in plat book 7 at page 23, reference thereof is hereby made.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 248 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

4.

The Plaintiffs would show that Lottie Griffin obtained a divorce of and from Sylvester Griffin in January, 1990, in cause number 138,127 as adjudicated in the Chancery Court of the First Judicial District of Hinds County, Mississippi. That as a part of the Divorce Decree, Lottie Griffin was awarded a money judgment. Copy of this Divorce decree is attached hereto as EXHIBIT "1." In an amended Final Divorce Decree the said Lottie Griffin was also granted an interest in certain properties alleged to be owned by her then husband, Sylvester Griffin. These properties to which Lottie Griffin was awarded an interest to alleged properties of Sylvester Griffin are described above as follows:

231 Wacaster (Lot 10 Sunny-Side Subdivision) : **(Tract 5)**

3863 Slayton (Lot 22 of Greenfield Subdivision) **(Tract A)**

1029 Carnation (Lot 42, Block "M" Plymouth Heights) **(Tract B)**

Two lots on Idaho (Lots 2 and 4, Block 20, Shady Oaks Subdivision) **(Tract C)**

Copy of this Amended Final Divorce Decree is attached hereto as EXHIBIT "2. Parts 1, 2, and 3)"

5.

The Plaintiffs would show that as to tracts 1, 2, 3 and 4 as described above in paragraph 3, these properties were never adjudicated as marital assets under any decree of this court during the divorce proceedings of the parties.

6.

The Plaintiffs would show that the properties described in paragraph 3 were titled in 1983 in the names of Eolyn Griffin (Tracts 1, 2, 3, and 4) and Tracy Griffin (Tracts 5, A, B, and C) as set forth above in paragraph 3.

Copies of the Deeds of conveyances to Eolyn Griffin are attached hereto as the following exhibits (Tract 1, **EXHIBIT "3"**); (Tract 2, **EXHIBIT "4"**); (Tract 3, **EXHIBIT "5"**); and (Tract 4, **EXHIBIT "6"**). Copies of the Deeds of conveyances to Tracy Griffin are attached hereto as the following exhibits (Tract 5, **EXHIBIT "7"**); (Tract A, **EXHIBIT "8"**); (Tract B, **EXHIBIT "9"**); and (Tract C, **EXHIBIT "10"**).

7.

The Plaintiffs would show unto the Court that during the divorce proceedings between Lottie Griffin and Sylvester Griffin; these eight properties described in paragraph 3 above and labeled above as tracts 1 through 5 and tracts A, B, and C were fraudulently conveyed out of the ownership of Tracy Griffin and Eolyn Griffin and into the name of Sylvester Griffin. The transfer of these properties from both Tracy Griffin and Eolyn Griffin into the name of Sylvester Griffin was done without permission or authority of either Tracy Griffin, Eolyn Griffin, or Sylvester Griffin and was done by the unauthorized act or acts of Nancy Beck,the attorney for Lottie Griffin. The said Nancy Beck somehow clandestinely obtained unrecorded deeds to the above described properties and had these previously unrecorded deeds recorded. As a result of this unauthorized act of the Defendant's attorney, Sylvester Griffin, became without his knowledge or permission the record title holder to these above described properties. As soon as Sylvester Griffin became aware of this situation he protested, but nevertheless and over his protest, these properties became incorporated into the Griffin divorce proceedings, and all to the harm and prejudice of the rightful and proper owners of these properties, who at that time were Tracy Griffin and Eolyn Griffin.

Copies of the unauthorized recorded Deeds are attached hereto as follows: Eolyn Griffin to Sylvester Griffin: (Tract 1, **EXHIBIT "11");** (Tract 2, **EXHIBIT "12");** (Tract 3, **EXHIBIT "13");** and (Tract 4, **EXHIBIT "14").** Copies of the deeds from Tracy Griffin to sylvester Griffin are attached as the following exhibits: (Tract 5, **EXHIBIT**

"15"); (Tract A, **EXHIBIT "16"**); (Tract B, **EXHIBIT "17"**); and (Tract C, **EXHIBIT "18").**

8.

After protracted litigation and bankruptcy, Sylvester Griffin conveyed these properties to his daughter, Tracy Griffin, and mother, Eolyn Griffin, in January 1991. These conveyances, however were not recorded until May, 1992.

Copies of the deeds from Sylvester Griffin to Eolyn Griffin are attached as the following exhibits: (Tract 1, **EXHIBIT "19");** (Tract 2, **EXHIBIT "20");** (Tract 3, **EXHIBIT "21");** and (Tract 4, **EXHIBIT "22").** Copies of the deeds from Sylvester Griffin to Tracy Griffin are attached as the following exhibits: (Tract 5, **EXHIBIT "23");** (Tract A, **EXHIBIT "24");** (Tract B, **EXHIBIT "25");** and (Tract C, **EXHIBIT "26").**

9.

Afterwards. these properties remained in the name of Tracy Griffin and Eolyn Griffin on the records of Hinds County, even though Tracy Griffin (now Madison) and Eolyn Griffin in January, 1991, conveyed these properties to the Plaintiffs through individual respective deeds of conveyance. Deeds to the Plaintiffs from either Tracy Griffin or Eolyn Griffin were recorded in the Office of the Chancery Clerk, First Judicial District of Hinds County at Jackson, Mississippi in August, 1994. A copy of the deed from Eolyn Griffin to Tamora Robinson is attached as the following exhibit: (Tract 1, **EXHIBIT "27").**
Copies of the deeds from Eolyn Griffin to Clyda Mae Myers are attached as the following exhibits: (Tract 2, **EXHIBIT**

**"28");** (Tract 3, **EXHIBIT "29");** and (Tract 4, **EXHIBIT "30");**

Copies of the Deed from Tracy Madison to Claude Griffin are attached as the following exhibits:(Tract 5, **EXHIBIT "31");** (Tract A, **EXHIBIT "32")** ; (Tract B, **EXHIBIT "33");** and (Tract C, **EXHIBIT "34").**

10.

This Final Judgment of Divorce was altered and amended by several renditions of Final Judgments of Divorce and on May 1, 1991, an Order Correcting an Amended Final Decree of Divorce was entered. Among other things this order appointed Joan Salters of the Hinds County Chancery Clerk's Office to be a Special Commissioner to sell several of the above listed properties in an effort to satisfy the judgment against Sylvester Griffin. These properties were Tracts A, B, and C as set out in paragraph 3 above. These lands were sold on August 15, 1994 to Lottie Griffin, the judgment creditor, However this sale of these tracts (i.e."A", "B" and "C" as set out above in paragraph 3) has not been confirmed. A motion by Claude Griffin, one of the Plaintiffs herein, is concurrently filing a Motion to Set Aside and Vacate this sale. The judicial sale of tracts 1, 2, 3, 4 and 5 took place on November 4, 1994, but has not been confirmed. The Special Commissioners's report of the sale of November 4, 1994, as well as the Special Commissioner's Report of the judicial sale of August 15, 1994 of Tracts A, B, and C was filed on May 10, 1995. A motion for the Plaintiffs to Set Aside and Vacate that sale has now been filed, along with the parties' Motion Setting out their Objections to the judicial sale of August 15, 1994 and that of November 4, 1994.

11.

As to the other properties as described as Tracts 1, 2, 3, 4, and 5 in paragraph 3 above, the Judgment Creditor, Lottie Griffin, the defendant herein, is attempting to execute on her judgment against Sylvester Griffin and sell the properties of the Plaintiffs, claiming that her judgment is a lien which has attached to these properties at a time when Sylvester Griffin's name appeared in the chain of title, namely between September/November, 1989 and May, 1992. Judgment being rendered in January, 1990.

12.

The Plaintiffs would show that on September 1, 1992 Lottie Griffin filed a Motion for Contempt against Sylvester Griffin and then on September 23, 1992, filed an Amended Motion for Contempt in which among other things requested in paragraph 3 that the Deeds to Tracy Griffin and Eolyn Griffin to be voided as fraudulent conveyances and that Joan Salters re-convey these Deeds to Sylvester Griffin in order that Lottie Griffin may execute upon them. See **EXHIBIT "35" and 36"** respectively. On March 9, 1993 the Chancery Court of Hinds County entered an order based on the Motions which stated in part that:

> "The Court declines to rule on the validity of the Deed transfers by Sylvester Griffin to various dead and living relatives titles of real property which is more properly within the purview of the bankruptcy court and this Court therefore defers to the Bankruptcy's Court's jurisdiction in this matter."

See **EXHIBIT "37"** Decree of the Chancery Court dated March 9, 1993 and filed on March 18, 1993 and is incorporated herein for all purposes.

13.

The Plaintiffs would show that the properties described above in paragraph 3 are not encumbered by Lottie Griffin's judgment in that Sylvester Griffin ownership was not properly placed in the chain of title at the time Lottie Griffin obtained her Judgment against Sylvester Griffin. The Plaintiffs would show unto the Court that the Deeds which were recorded making Sylvester Griffin a named record title holder of these parcels of land between the years 1989 and 1992 were placed of record by Nancy Beck, the Attorney for Lottie Griffin, when at the time Nancy Beck recorded these deeds, Nancy Beck had neither permission or authority from Tracy Griffin or Eolyn Griffin the Grantors in said Deeds to record same or from Sylvester Griffin, the Grantee, in said Deeds to record same. These Deeds which were recorded by Nancy Beck making Sylvester Griffin record owner are attached hereto as **EXHIBITS "11 through 18"**. The Plaintiffs would show unto the Court that there was neither Delivery of the Deeds by Tracy Griffin or Eolyn Griffin to Sylvester Griffin, nor was there an acceptance by Sylvester Griffin of these parcels of lands into his name. That because there was neither delivery by the Grantors nor acceptance by the Grantee, the Plaintiffs would show that the conveyances are void and invalid and of no force or effect. And because thereof, a void deed conveys no ownership in property and therefore the judgments obtained by Lottie Griffin have no force or effect over lands owned by the Plaintiffs and the Judgment of Lottie Griffin has never attached to the lands of

the Plaintiffs. That because the Deeds are void and invalid, the Plaintiffs further state that the Chancery Court cannot validate them as property of Sylvester Griffin and sweep these properties into the marital assets of Sylvester Griffin by Judicial Decree. That the portion of the Decrees entered on January 8, 1990, and its amendments entered on January 22, 1991, February 19, 1991, and May 1, 1991, making the properties described in paragraph 3 are void in the respect declaring those properties to be marital assets of Sylvester Griffin. Further the Plaintiffs would show that in the judicial decrees which made the properties described above in paragraph 3 above marital assets of Sylvester Griffin because of the fraudulent recording of Deeds by Nancy Beck out of the ownership of Tracy Griffin and Eolyn Griffin and into the name of Sylvester Griffin, both Tracy Griffin and Eolyn Griffin, without notice or being made parties to the divorce suit, were deprived of their property without due process of law under the 5th and 14th Amendment of the United States Constitution and under Article 3, Section 14 of the Mississippi Constitution.

14.

The Plaintiffs would show that because "the name of" Sylvester Griffin was fraudulently and without authority place in the chain of title through the unauthorized acts of the Defendant's attorney, Nancy Beck, when at a time when the these deeds could not pass title to these properties because there was neither delivery on the part of the Grantors, nor acceptance on the part of the Grantee. Further the Plaintiffs would show that the judgment obtained by the Defendant Judgment Creditor cannot be validly levied on the lands of the Plaintiffs because her attempted execution is based on a void transaction. Therefore the properties

described above in paragraph 3 as Tracts "A", "B" and "C" a sale of which took place on August 15, 1994, the sale is invalid. Also the proposed sale of the properties described as tracts 1, 2, 3, 4, and 5 in paragraph 3 above cannot be validly levied against and executed upon by this Judgment Creditor again because the attempted levy and execution is based on a void transaction.

15.

The Plaintiffs would show that the Chancery Court Clerk, Ms. Joan Salters who has been appointed as a Special Commissioner to sell these properties has no right to sell Plaintiff's properties to satisfy the judgments of Sylvester Griffin, because the judgment lien did not attach to these properties when at a time Sylvester Griffin name was fraudulently placed in the chain of title. The unauthorized recordation of these deeds conveying property into the name of Sylvester Griffin did not give validity to these void instruments and therefore the Defendant's judgment lien cannot attach to a void conveyance. Because of the use of void instruments to place Sylvester Griffin's name in the chain of title of these eight properties as described above in paragraph 3, at a time when the Judgment Creditor Defendant obtained her judgment, the recordation of these void instruments imputes no ownership to these properties in Sylvester Griffin and because of their void nature, it would be as if Sylvester Griffin's name never appeared in the chain of title and therefore the judgment against him cannot attach to these eight properties owned by the Plaintiffs and never owned by Sylvester Griffin at the time the judgment was rendered or subsequent to its rendition.

16.

Further, the Plaintiffs would show that a sale would interfere with their rightful and peaceful use, possession, and enjoyment of their property any such claimed lien and/or sale would place a cloud upon their title.

**WHEREFORE, PREMISES CONSIDERED,** the Plaintiffs move that proper process be issued for Lottie Griffin (Now Campbell) making her a party defendant to this action, and that at a final hearing hereof may it please the Court to enter a Declaratory Judgment against the Defendant Judgment Creditor, Lottie Griffin Campbell, which will set forth the Plaintiff's full, absolute and unequivocal rights to the peaceful use, possession and enjoyment of their properties, and further declaring that the Deeds recorded by the unauthorized acts by Nancy Beck clandestinely obtained by her placing Sylvester Griffin's name in the chain of title be cancelled and are void and of no force or effect, as if the name of Sylvester Griffin never appeared in the chain of title at a time when the Defendant Judgment Creditor obtained her judgment against Sylvester Griffin.

Further, the Plaintiffs pray that the Court herein finds and Decrees to be void, and of no force and effect as to those portions of the Decree of Divorce and all of its amendments, in Griffin v. Griffin, cause number 137,128 of the Chancery Court of the First Judicial District of Hinds County, Mississippi, as entered on January 8, 1990, January 22, 1991, February 19, 1991, and May 1, 1991 respectively, which said decrees declared and decreed that the properties described in paragraph 3 above to be marital assets of Sylvester Griffin.

Further, the Plaintiffs request that the court declare that the above described properties cannot be levied or executed against by the Defendant Judgment Creditor's and/or any of her appointed representatives and/or attempt to execute a sale of the Plaintiffs' lands in an attempt to sale their lands to satisfy the judgment against Sylvester Griffin so long as the properties are never in the name of Sylvester Griffin.

RESPECTFULLY SUBMITTED, this the 26th day of June, 1995.

/s/ Claude Griffin
CLAUDE GRIFFIN PLAINTIFF

/s/ Clyda Mae Myers
CLYDA MAE MYERS PLAINTIFF

/s/ Tamora Robinson
TAMORA ROBINSON PLAINTIFF

/s/ Edwin E. Kerstine

EDWIN E. KERSTINE MSB # 3588
ATTORNEY FOR PLAINTIFFS
P.O. BOX 2930
JACKSON, MS 39207-2930
(601) 939-8585

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named Claude Griffin, who being first duly sworn by me, on his oath states that to his best knowledge and belief, that the matters and things, facts and averments contained in the above and forgoing Amended Suit for Declaratory Judgment are true and correct as therein stated.

/s/ Claude Griffin
CLAUDE GRIFFIN

SWORN TO AND SUBSCRIBED before me, this the 26th day of June, 1995.

/s/ Edwin E. Kerstine
NOTARY PUBLIC

My Commission Expires:
4/27/1998

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named Clyda Mae Myers, who being first duly sworn by me, on her oath states that to her best knowledge and belief, that the matters and things, facts and averments contained in the above and forgoing Amended Suit for Declaratory Judgment are true and correct as therein stated.

/s/ Clyda Mae Myers
CLYDA MAE MYERS

SWORN TO AND SUBSCRIBED before me, this the 24th day of June, 1995.

/s/ Edwin E. Kerstine
NOTARY PUBLIC

My Commission Expires:
4/27/ 1998

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named Tamora Robinson, who being first duly sworn by me, on her oath states that to her best knowledge and belief, that the matters and things, facts and averments contained in the above and forgoing Amended Suit for Declaratory Judgment are true and correct as therein stated.

/s/ Tamora Robinson
TAMORA ROBINSON

SWORN TO AND SUBSCRIBED before me, this the 24th day of June, 1995.

/s/ Edwin E. Kerstine
NOTARY PUBLIC

My Commission Expires:
4/27/1998

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

SYLVESTER GRIFFIN — PLAINTIFF

VS. — NO. 137,128

LOTTIE GRIFFIN — DEFENDANT

JUDGMENT OF DIVORCE

THIS CAUSE having come on to be heard on November 10, 1989, and both parties being in Court and represented by counsel, the Court does find as follows:

1. That this Court has jurisdiction of both the subject matter and the parties.

2. The Court finds that Sylvester Griffin withdrew his grounds for divorce, prior to the trial of this cause.

3. The Court finds that Lottie Griffin is entitled to a divorce absolute from Sylvester Griffin on the grounds of adultery.

4. The Court finds that Lottie Griffin is not entitled to a divorce on the grounds of habitual cruel and inhuman treatment.

5. The Court further finds that Lottie Griffin shall have custody of the minor children of parties, that being Kimberly Dionne Griffin, born August 26, 1971, and Sylvester Gregory Griffin, Jr., born October 24, 1977.

6. Sylvester Griffin shall have the right of reasonable visitation as follows:

**Exhibit 1**

(a) On the first (1st) and third (3rd) weekend of each and every month hereafter, beginning at 6:00 o'clock P.M. on Friday and ending at 6:00 o'clock P.M. on the following Sunday.

(b) For two (2), two (2) week periods during the summer months of each and every year, being designated at the time that regular school is out, with Sylvester Griffin to give Lottie Griffin written notice no later than May lst of the weeks of visitation he intends to exercise.

(c) For a period of approximately six (6) days during the Christmas holidays each and every year beginning at 12:00 o'clock noon on Christmas Day and ending at 6:00 o'clock P.M. on New Year's Eve., while Lottie Griffin will have the right to have said children with her during the week preceding Christmas, to include Christmas Eve and Christmas Day until 12:00 o'clock noon.

(d) During the Thanksgiving holidays in even-numbered years, beginning at 6:00 o'clock P.M. on the Wednesday immediately preceding Thanksgiving Day and ending at 6:00 o'clock P.M. on the Sunday immediately following, while Lottie Griffin shall always have the right to have said children with her during the Thanksgiving holiday in odd numbered years.

(e) During the Easter holidays, in even-numbered years, beginning at 6:00 o'clock P.M. on Good Friday, and ending at 6:00 o'clock P.M. on Easter Sunday, while Lottie Griffin will always have the right to have said children with her during the Easter holidays in even-numbered years.

(f) On Father's Day each and every year, from 9:00 o'clock A.M. until 6:00 o'clock P.M.

(g) Sylvester shall have visitation with the children at any other times as may be agreed upon by the parties.

(h) The Husband and Wife shall exert every reasonable effort to maintain open communication between the children and to foster a feeling of affection between said children and the other parent, and the parties shall make reasonable efforts to consult with each other with regard to the children's education, illnesses, operations, and other matters of similar importance affecting said children, whose well-being, education and development shall at all times be the paramount consideration of both parents. During Sylvester Griffin's periods of visitation, he shall maintain and provide said children with a moral and wholesome environment, and Lottie Griffin, in her custodial capacity, shall not subject said minor children to any unwholesome or immoral environment.

7. Sylvester Griffin is hereby ordered to pay unto Lottie Griffin child support of the minor children in the sum of Six Hundred ($600.00) Dollars per month commencing December 1, 1989. Further, Sylvester Griffin is ordered to obtain medical insurance for the minor children through his retirement and to provide proof of such insurance to counsel for Lottie Griffin by Friday, December 8,1989. Further, Sylvester Griffin shall be responsible for payment of the insurance policy deductible and for one half of any and all medical, doctor, hospital, dental, orthodontic, optical, psychological, and/or prescription drug expenses of said children which are reasonable and necessary, and which are not covered by the above insurance policy. Lottie Griffin is entitled to claim the two minor children as deductions on her income tax return until said children are emancipated.

8. Lottie Griffin is hereby awarded use and

possession of the material domicile located at 3957 Azalea Drive, Jackson, Mississippi, until the youngest child reaches the age of twenty-one or is otherwise emancipated, and she shall be responsible for the mortgage payments, property taxes and insurance thereon.

9. The Court further finds that the 4 jointly owned rental properties, namely Missouri Street, Wacaster, Morton and Hughes were intended and purchased to be marital assets, and therefore, the Court orders this property to be appraised, and that a sale be held by the Chancery Court of the First Judicial District of Hinds County, Mississippi, and the proceeds thereon, after the deduction of all costs of sale, shall be divided equally (50/50). The Court further finds that after the appraisal, the sale will be held in abeyance for 30 days in order to work out a mutual division of these marital assets.

10. The Court further finds that, and is thoroughly convinced, that Sylvester Griffin is the owner of $106,719.72 in cash, and that Lottie Griffin is the owner of $16.876.00 in cash, which gives the Court a figure of approximately $123,595.72, and the Court, therefore, specifically finds that these are jointly acquired marital assets of the parties and that there will be an equitable 40%/60% division with 40% going to Lottie Griffin, in the sum of $49,438.28, and 60% going to Sylvester Griffin in the sum of $74,157.43.

11. The Court specifically finds that Lottie Griffin's work outside of the home as a school teacher, and her work inside the home, consisting of household work, the raising of children, and the work that Lottie Griffin did as a homemaker, constitutes contributions to the marital assets and, based upon those contributions, she is entitled to a lump sum of $49,438.28.

12. The further finds that Lottie Griffin already has $16,876.00 worth of joint marital assets in an account, which leaves a balance of $32,561.28 owed to Lottie Griffin by Sylvester Griffin and a lien will be placed upon the real property owned solely by Sylvester Griffin for that remaining $32,562.28, and said amount is payable immediately upon entry of the Judgment, and further that the Court is convinced that the various pieces of property transferred in 1989 were at all times clearly owned by Sylvester Griffin, and that it was even claimed on his 1984 income tax return.

13. The Court further finds that Lottie Griffin is entitled to an award of attorney fees, expenses, and court costs as follows:

(a) Attorney fees for 110 hours of time, based on an hourly rate of $85.00 per hour, which totals $9,350.00; expenses, (incidental to trial), in the sum of $2,489.00, plus an additional $540.00 in attorney fees and court costs, for a total of $12,379.00, payable immediately upon signing of this Judgment.

14. Sylvester Griffin is specifically ordered to furnish Lottie Griffin a telephone number as to where the minor child Gregory will be when Sylvester Griffin exercises his Court ordered visitation.

15. The Court specifically orders Sylvester Griffin to stay away from the person of Lottie Griffin, and he is hereby restrained from coming on the property located at 3927 Azalea Drive, Jackson, Mississippi, for any purpose whatsoever. Sylvester Griffin may pick up the children for visitation in the carport at the house on Azalea Drive. Sylvester Griffin is specifically ordered not to telephone Lottie Griffin for any reason other than to discuss with her arrangements of visitation with the minor children. The

parties are hereby ordered not to harass each other in any manner whatsoever.

SO ORDERED, ADJUDGED AND DECREED this the 8th day of January, 1990.

/s/ Denise Sweet Owens
CHANCELLOR

APPROVED AS TO FORM:

/s/ Nancy Beck
NANCY J. BECK

/s/ Lottie Griffin

Exhibit 1

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICTOF HINDS COUNTY,STATE OF MISSISSIPPI

| | |
|---|---|
| SYLVESTER GRIFFIN | PLAINTIFF |
| VS. | NO. 137,128 |
| LOTTIE GRIFFIN | DEFENDANT |

FINAL JUDGMENT OF DIVORCE

THIS CAUSE having come to be heard on November 10, 1989, and both parties being in Court and represented by counsel, the Court does find as follows:

1. That this Court has jurisdiction of both the subject matter and the parties.

2. The Court finds that Sylvester Griffin withdrew his grounds for divorce prior to the trial of this cause.

3. The Court finds that Lottie Griffin is entitled to a divorce absolute from Sylvester Griffin on the grounds of adultery.

4. The Court finds that Lottie Griffin is not entitled to a divorce on the grounds of habitual cruel and inhuman treatment.

5. The Court further finds that Lottie Griffin shall have custody of the minor children of parties, that being Kimberly Dionne Griffin, born August 6, 1971, and Sylvester Gregory Griffin, Jr., born October 24, 1977.

6. Sylvester Griffin shall have the right of reasonable visitation as follows:

**Exhibit 2, Part 1**

(a) On the first (lst) and third (3rd) weekend of each and every month hereafter, beginning at 6:00 o'clock P.M. on Friday and ending at 6:00 o'clock P.M. on the following Sunday.

(b) For two (2) two (2) week periods during the summer months of each and every year, being designated at the time that regular school is out, with Sylvester Griffin to give Lottie Griffin written notice no later than May lst of the weeks of visitation he intends to exercise.

(c) For a period of approximately six (6) days during the Christmas holidays each and every year beginning at 12:00 o'clock noon on Christmas Day and ending at 6:00 o'clock P.M. on New Year's Eve., while Lottie Griffin will have the right to have said children with her during the week preceding Christmas, to include Christmas Eve and Christmas Day until 12:00 o'clock noon.

(d) During the Thanksgiving holidays in even-numbered years, beginning at 6:00 o'clock P.M. on the Wednesday immediately preceding Thanksgiving Day and ending at 6:00 o'clock P.M. on the Sunday immediately following, while Lottie Griffin shall always have the right to have said children with her during the Thanksgiving holiday in odd numbered years.

(e) During the Easter holidays, in even-numbered years, beginning at 6:00 o'clock P.M. on Good Friday, and ending at 6:00 o'clock P.M. on Easter Sunday, while Lottie Griffin shall always have the right to have said children with her during the Easter holidays in even-numbered years.

(f) On Father's Day each and every year, from 9:00 o'clock A.M. until 6:00 o'clock P.M.

(g) Sylvester shall have visitation with the children at any other times as may be agreed upon by the parties.

(h) The Husband and Wife shall exert every reasonable effort to maintain open communication between the children and to foster a feeling of affection between said children and the other parent, and the parties shall make reasonable efforts to consult with each other with regard to the children's education, illnesses, operations, and other matters of similar importance affecting said children, whose well-being, education and development shall at all times be the paramount consideration of both parents. During Sylvester Griffin's periods of visitation, he shall maintain and provide said children with a moral and wholesome environment, and Lottie Griffin, in her custodial capacity, shall not subject said minor children to any unwholesome or immoral environment.

7. Sylvester Griffin is hereby ordered to pay unto Lottie Griffin child support of the minor children in the sum of Six Hundred ($600.00) Dollars per month commencing immediately. Further, Sylvester Griffin is ordered to obtain medical insurance for the minor children through his retirement and to provide proof of such insurance to counsel for Lottie Griffin. Further, Sylvester Griffin shall be responsible for payment of the insurance policy deductible and for one half of any and all medical, doctor, hospital, dental, orthodontics, optical, psychological, and/or prescription drug expenses of said children which are reasonable and necessary, and which are not covered by the above insurance policy. Lottie Griffin is entitled to claim the two minor children as deductions on her income tax return until said children are emancipated.

8. Lottie Griffin is hereby awarded permanent use and possession of the marital domicile located at 3957 Azalea Drive, Jackson, Mississippi, for the benefit of herself and the children, and she shall be responsible for the mortgage payments, property taxes and insurance thereon.

9. The Court further finds that the jointly owned rental properties namely (a) 2327 Morton, (b) 619A&B Hughes, (c) 3411A, B,&C Missouri, (d) 231 Wacaster, and (1) 3863 Slayton, (2) 1029 Carnation and (3) two lots on Idaho Street, titled in Sylvester Griffin's name only, are marital assets, and should be treated exactly as the jointly owned rental properties, and said properties should be sold, and after deductions of costs of sale, shall be divided equally 50/50. The Court further orders JoAnn Saulter to be appointed as special commissioner, and she shall keep both counsel informed as to her efforts in that respect, for the immediate sale of said properties, and the monies due from said sale of said properties, and the monies due from said sale are to be equally divided between Lottie and Sylvester. The Court further finds that Sylvester's one half (1/2) of all future rents of the aforesaid rental properties shall be paid to Lottie Griffin; half (1/2) shall be paid to the Trustee, of the Bankruptcy Court, for distribution until said properties are sold. Lottie shall be entitled to collect said rents, pay one-half to the Trustee and submit a monthly accounting to this Court; and the Bankruptcy Trustee, and Sylvester Griffin is hereby prohibited from interfering with Lottie's management of said properties, and the tenants are hereby ordered to pay said rents to Lottie Griffin.

10. The Court further finds that, and is thoroughly convinced, that Sylvester Griffin is the owner of $106,719.72 in cash, and that Lottie Griffin is the owner of $16.876.00 in cash, which gives the Court a figure of

approximately $123,595.72, and the Court, therefore, specifically finds that these are jointly acquired marital assets of the parties and that there will be an equitable 40%/60% division with 40% going to Lottie Griffin, in the sum of $49,438.28 plus interest, and 60% going to Sylvester Griffin in the sum of $74,157.43.

11. The Court specifically finds that Lottie Griffin's work outside of the home as a school teacher, and her work inside the home, consisting of household work, the raising of children, and the work that Lottie Griffin did as a homemaker, constitutes contributions to the marital assets and, based upon those contributions, she is entitled to a lump sum of $49,4438.28 with interest due from January 1990.

12. The Court further finds that Lottie Griffin already has $16,,876.00 worth of joint marital assets in an account, which leaves a balance of $32,562.28 owed to Lottie Griffin by Sylvester Griffin and a lien shall be placed upon the real property owned solely by Sylvester Griffin for that remaining $32,562.28 with interest, and said amount is payable immediately upon entry of the Judgment, and further that the Court is convinced that the various pieces of property transferred in 1989 were at all times clearly owned by Sylvester Griffin, and that it was even claimed on his 1984 income tax return.

13. The Court further finds that Lottie Griffin is entitled to an award of attorney's fees, expenses, and court costs as follows:

(a) Attorney fees for 110 hours of time, based on an hourly rate of $85.00 per hour, which totals $9,350.00; expenses, (incidental to trial), in the sum of $2,489.00), plus an additional $540.00 in attorney's fees and court costs, for a total of $12,379.00, payable immediately upon signing of this Judgment. In addition Lottie Griffin

14. Sylvester Griffin is specifically ordered to furnish Lottie Griffin a telephone number as to where the minor child Gregory will be when Sylvester Griffin exercises his Court ordered visitation.

15. The Court specifically orders Sylvester Griffin to stay away from the person of Lottie Griffin, and he is hereby restrained from coming on the property located at 3927 Azalea Drive, Jackson, Mississippi, for any purpose whatsoever. Sylvester Griffin may pick up the children for visitation in the carport at the house on Azalea Drive. Sylvester Griffin is specifically ordered not to telephone Lottie Griffin for any reason other than to discuss with her arrangements of visitation with the minor children. The parties are hereby ordered not to harass each other in any manner whatsoever.

16. The Court further finds that Lottie Griffin is entitled to the sum of one half (1/2) of the marital asset rental properties for a twelve (12) month period January 1990 through December 1990, on the aforesaid properties:

| | |
|---|---|
| 2327Morton | 285 x 12 = 3420 |
| 619Z Hughes | 168 x 12 = 2016 |
| 619B Hughes | 198 x 12 = 2376 |
| 3411A Missouri | 248 x 12 = 2976 |
| 3411B Missouri | 248 x 12 = 2976 |
| 3411C Missouri | 2 48 x 12 = 2976 |
| 3863 Slayton | 100 x 12 = 1200 |
| 1029 Carnation | 288 x 12 = 3456 |
| 231 WacasterVacant | 21,396 |
| Missouri Mortgage | 288.5 x 12 = 3462 |
| | 17,934 |

$17,934.00 ÷ 2 = $8,967.00, interest of $358.68, for a total sum of $9,335.68

| | |
|---|---|
| $32,562.28 | Judgment on January 8, 1990 |
| $ 2,604.98 | Interest to December 1990 |
| $12,379.00 | Attorney's fees - January 8, 1990 |
| $ 990.32 | Interest to December, 1990 |
| $ 4,500.00 | Attorney's fees, on appeal by Sylvester |
| $ 360.00 | Interest to December, 1990 |
| $ 8,967.00 | 1/2 share rental income |
| $ 358.68 | Interest to December 1990 |
| $62,722.26 | TOTAL AMOUNT DUE TO LOTTIE |

17. A Money Judgment for $62,477.26 is hereby granted to Lottie Griffin to be paid immediately, now, instanta pursuant to a Judgment of Civil Contempt, for all of which let execution issue.

18. The retirement benefits are not marital properties, and therefore, Lottie Griffin is not entitled to a portion of same.

19. Lottie Griffin is entitled to a Withholding Order from Sylvester Griffin's retirement benefits for child support, of the minor children, to be put in effect immediately. A hearing was held on this matter, and the Court found that Lottie Griffin was entitled to said Withholding Order due to Sylvester Griffin's consistant habit of not paying the child support in a timely basis.

20. The Court further found the Nancy J. Beck has performed additional duties for Lottie Griffin during January 1990 through December 1990

21. The Court further finds that Lottie Griffin is therefore entitled to a total Money Judgment against

Sylvester Griffin in the total amount of $62, 722.26 all of which is due and owing, and for which let execution issue.

SO ORDERED, ADJUDGED, AND DECREED this the 22nd day of January, 1991.

/s/ Denise S. Owens
CHANCELLOR

Presented by:

NANCY J. BECK
ATTORNEY AT LAW
MSB #28820
729 HIGH STREET
JACKSON, MS 39202
(601) 354-4145

**Exhibit 2 Part 1**

IN THE CHANCERY COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY,
STATE OF MISSISSIPPI

| | |
|---|---|
| SYLVESTER GRIFFIN | PLAINTIFF |
| VS. | NO. 137,128 |
| LOTTIE GRIFFIN | DEFENDANT |

AMENDED
FINAL JUDGMENT OF DIVORCE

THIS CAUSE having come on to be heard on November 10, 1989, and both parties being in Court and represented by counsel, the Court does find as follows:

1. That this Court has jurisdiction of both the subject matter and the parties.

2. The Court finds that Sylvester Griffin withdrew his grounds for divorce, prior to the trial of this cause.

3. The Court finds that Lottie Griffin is entitled to a divorce absolute from Sylvester Griffin on the grounds of adultery.

4. The Court finds that Lottie Griffin is not entitled to a divorce on the grounds of habitual cruel and inhuman treatment.

5. The Court further finds that Lottie Griffin shall have custody of the minor children of parties, that being Kimberly Dionne Griffin, born August 26, 1971 and Sylvester Gregory Griffin, Jr., born October 24, 1977.

**Exhibit 2, Part 2**

6. Sylvester Griffin shall have the right of reasonable visitation as follows:

(a) On the first (1st) and third (3rd) weekend of each and every month hereafter, beginning at 6:00 o'clock P.M. on Friday and ending at 6:00 o'clock P.M. on the following Sunday.

(b) For two (2) two (2) week periods during the summer months of each and every year, being designated at the time that regular school is out with Sylvester Griffin to give Lottie Griffin written notice no later than May 1st of the weeks of visitation he intends to exercise.

(c) For a period of approximately six (6) days during the Christmas holidays each and every year beginning at 12:00 o'clock noon on Christmas Day and ending at 6:00 o'clock P.M. on New Year's Eve., while Lottie Griffin will have the right to have said children with her during the week preceding Christmas, to include Christmas Eve and Christmas Day until 12:00 o'clock noon.

(d) During the Thanksgiving holidays in even-numbered years, beginning at 6:00 o'clock P.M. on the Wednesday immediately preceding Thanksgiving Day and ending at 6:00 o'clock P.M. on the Sunday immediately following, while Lottie Griffin shall always have the right to have said children with her during the Thanksgiving holiday in odd numbered years.

(e) During the Easter holidays, in even-numbered years, beginning at 6:00 o'clock P.M. on Good Friday, and ending at 6:00 o'clock P.M. on Easter Sunday, while Lottie Griffin will always have the right to have said children with her during the Easter holidays in even-numbered years.

(f) On Father's Day each and every year, from 9:00 o'clock A.M. until 6:00 o'clock P.M.

(g) Sylvester shall have visitation with the children at any other times as may be agreed upon by the parties.

(h) The Husband and Wife shall exert every reasonable effort to maintain open communication between the children and to foster a feeling of affection between said children and the other parent, and the parties shall make reasonable efforts to consult with each other with regard to the children's education,illnesses, operations, and other matters of similar importance affecting said children, whose well-being, education and development shall at all times be the paramount consideration of both parents. During Sylvester Griffin's periods of visitation, he shall maintain and provide said children with a moral and wholesome environment, and Lottie Griffin, in her custodial capacity, shall not subject said minor children to any unwholesome or immoral environment.

7. Sylvester Griffin is hereby ordered to pay unto Lottie Griffin child support of the minor children in the sum of Six Hundred ($600.00) Dollars per month commencing immediately. Further, Sylvester Griffin is ordered to obtain medical insurance for the minor children through his retirement and to provide proof of such insurance to counsel for Lottie Griffin. Further, Sylvester Griffin shall be responsible for payment of the insurance policy deductible and for one half of any and all medical, doctor, hospital, dental, orthodontics, optical, psychological, and or prescription drug expenses of said children which are reasonable and necessary, and which are not covered by the above insurance policy. Sylvester Griffin shall reimburse Lottie for her payment of medial bills within ten days after receipt. Lottie Griffin is entitled to claim the two minor

children as deductions on her income tax return until said children are emancipated.

8. Lottie Griffin is hereby awarded use and possession of the marital domicile located at 3957 Azalea Drive, Jackson, Mississippi, for the benefit of herself and the children, until the youngest child reaches the age of twenty-one or is otherwise emancipated, and she shall be responsible for the mortgage payments, property taxes and insurance thereon.

9. The Court further finds that the jointly owned rental properties, namely (a) 2327 Morton, (b) 619A&B Hughes, (c) 3411A, B,&C Missouri, (d) 231 Wacaster, and (1) 3863 Slayton, (2) 1029 Carnation, and (3) two lots on Idaho Street, titled in Sylvester Griffin's name only, are marital assets, and should be treated exactly as the jointly owned rental properties, and said properties should be sold, and after deductions of costs of sale, shall be divided equally 50/50. The Court further orders JoAnn Saulter to be appointed as special commissioner, and she shall keep both counsel informed as to her efforts in that respect, for the immediate sale of said properties, and the monies due from said sale are to be equally divided between Lottie and Sylvester. The Court further finds that Sylvester's one half (1/2) of the proceeds of the sale of aforesaid properties shall be subject to a lien on behalf of Lottie Griffin for the payment of various money judgment awarded to Lottie, including interest from January 1989. Half (1/2) of all future rents of the aforesaid rental properties shall be paid to Lottie Griffin; half (1/2) shall be paid to the Trustee, of the Bankruptcy Court, for distribution until said properties are sold. Lottie shall be entitled to collect said rents, pay one-half to the Trustee and submit a monthly accounting to this Court; and the Bankruptcy Trustee, and Sylvester Griffin is

hereby prohibited from interfering with Lottie's management of said properties, and the tenants are hereby ordered to pay said rents to Lottie Griffin.

10. The Court further finds that, and is thoroughly convinced, that Sylvester Griffin is the owner of $106,719.72 in cash, and that Lottie Griffin is the owner of $16,876.00 in cash, which gives the Court a figure of approximately $123,595.72, and the Court, therefore, specifically finds that these are jointly acquired marital assets of the parties and that there will be an equitable 40%/60% division with 40% going to Lottie Griffin, in the sum of $49,438.38 plus interest, and 60% going to Sylvester Griffin in the sum $74,157.43.

11. The Court specifically finds that Lottie Griffin's work outside the home as a school teacher, and her work inside the home, consisting of household work, the raising of children, and the work that Lottie Griffin did as a homemaker, constitutes contributions to the marital assets and, based upon those contributions, she is entitled to a lump sum of $49,438.28 with interest due from January 1990.

12. The Court further finds that Lottie Griffin already has $16,876.00 worth of joint marital assets in an account, which leaves a balance of $32,562.28 owed to Lottie Griffin by Sylvester Griffin and a lien will be placed upon the real property owned solely by Sylvester Griffin for that remaining $32,562.28 with interest, and said amount is payable immediately upon entry of the Judgment, and further that the Court is convinced that the various pieces of property transferred in 1989 were at all times clearly owned by Sylvester Griffin, and that it was even claimed on his 1984 income tax return.

13. The Court further finds that Lottie Griffin is entitled to an award of attorney's fees, expenses, and court costs as follows:

(a) Attorney fees for 110 hours of time, based on an hourly rate of $85,00 per hour, which totals $9,350.00; expenses, (incidental to trial), in the sum of $2,489.00, plus and additional $540.00 in attorney's fees and court costs, for a total of $12,379.00 payable immediately upon signing of this Judgment. In addition, Lottie Griffin is entitled to a further award of Attorney's fees; and a hearing with regard to the additional attorneys was heard, and an order of $4,100.00 in attorneys fees for January 1990 through December 1990, was granted. This Court retains jurisdiction to hear the matter of attorneys fees.

14. Sylvester Griffin is specifically ordered to furnish Lottie Griffin a telephone number as to where the minor child Gregory will be when Sylvester Griffin exercises his Court ordered visitation.

15. The Court specifically orders Sylvester Griffin to stay away from the person of Lottie Griffin, and he is hereby restrained from coming on the property located at 3927 Azalea Drive, Jackson, Mississippi, for any purpose whatsoever. Sylvester Griffin may pick up the children for visitation in the carport at the house on Azalea Drive. Sylvester Griffin is specifically ordered not to telephone Lottie Griffin for any reason other than to discuss with her arrangements of visitation with the minor children. The parties are hereby ordered not to harass each other in any manner whatsoever.

16. The Court further finds that Lottie Griffin is entitled to the sum of one half (1/2) of the marital asset rental properties for a twelve (12) month period January 1990 through December 1990, on the aforesaid properties:

| | |
|---|---|
| 2327 Morton | 285 x 12 = 3420 |
| 619Z Hughes | 168 x 12 = 2016 |
| 619B Hughes | 198 x 12 = 2376 |
| 3411Z Missouri | 248 x 12 = 2976 |
| 3411B Missouri | 248 x 12 = 2976 |
| 3411C Missouri | 248 x 12 = 2976 |
| 3863 Slayton | 100 x 12 = 1200 |
| 1029 Carnation | 288 x 12 = 3456 |
| 231 Wacaster | Vacant |
| | 21,396 |

Missouri Mortgage

288.5 x 12 = 3462

17,934

$17,934.00 2 = $8,967.00, interest of $358.68, for a total sum of $9,335.68.

| | |
|---|---|
| $32,562.28 | Judgment on January 8, 1990 |
| $ 2,604.98 | Interest to December 1990 |
| $16,579.00 | Attorney's fees - February 1991 |
| $ 990.32 | Interest to December, 1990 |
| $ 4,500.00 | Attorney's fees, on appeal by Sylvester |
| $ 360.00 | Interest to December, 1990 |
| $ 8,967.00 | 1/2 share rental income |
| $ 358.68 | Interest to December 1990 |
| $66,822.26 | TOTAL AMOUNT DUE TO LOTTIE |

17. A Money Judgment for $66,822.26 is hereby granted to Lottie Griffin to be paid immediately, now, instanta pursuant to a Judgment of Civil Contempt, for all of which let execution issue.

18. The retirement benefits are not marital properties, and therefore, Lottie Griffin is not entitled to a portion of same.

19. Lottie Griffin is entitled to a Withholding Order from Sylvester Griffin's retirement benefits for child support, of the minor children, to be put in effect immediately. A hearing was held on this matter, and the Court found that Lottie Griffin was entitled to said Withholding Order due to Sylvester Griffin's consistant habit of not paying the child support in a timely basis.

20. The Court further finds that Lottie Griffin is therefore entitled to a total Money Judgment against Sylvester Griffin in the total sum of %66,822.26, all of which is due and owing, and for which let execution issue.

SO ORDERED, ADJUDGED, AND DECREED this the 19th day of February, 1990.

/s/ Denise S. Owens
CHANCELLOR

Presented by:

/s/ Nancy Beck
NANCY J. BECK
ATTORNEY AT LAW
MSB #28820
729 HIGH STREET
JACKSON, MS 39202
(601) 354-4145

**Exhibit 2, Part 2**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, the undersigned, HOUSTON SMITH, do hereby bargain, grant, sell, convey, and warrant to MRS. EOLYN GRIFFIN, the following land located in the First Judicial District of Hinds County, Mississippi, and more particularly described as follows:

Lot Twenty (20), Block "L", Plymouth Heights, 3rd Unit, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3, page 68, reference to which is made in aid of and as a part of this description.

The above described property is no part of the homestead of the undersigned grantor, and it has never been claimed as such by the grantor or his wife.

Ad valorem taxes on the above described property are to be prorated between the grantor and the grantee as of the date of this conveyance.

IN WITNESS WHEREOF, I have affixed my signature on this the 24th day of August, 1973.

/s/ Houston Smith

Houston Smith

**Exhibit 3**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me the undersigned authority in and for the said jurisdiction, the within named HOUSTON SMITH, who having been by me duly sworn, stated under oath that he signed and delivered the foregoing Warranty Deed on the date and year therein stated.

/s/ Houston Smith
HOUSTON SMITH

SWORN TO AND SUBSCRIBED before me this the 24 day of August, 1973.

/s/ Bill Wilkinson
Notary Public

My Commission Expires:
My Commission Expires January 15, 1975

STATE OF MISSISSIPPI, County of Hinds:

I, Tom Virden, Clerk of the Chancery Court of said County, certify that the within Instrument was filed for record in my office this 27 day of AUGUST 1973, at 9:15 o'clock A M., and was duly recorded on the 28 day of AUGUST 1973, Book No. 2138 Page 63 in my office.

Witness my hand and seal of office, this the 28 day of AUGUST 1973.

TOM VIRDEN, Clerk: F. Dorris D.C.

Exhibit 3

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged , we, the undersigned GEORGE B. GILMORE, W. W. BAILEY AND GEORGE C. BAILEY, do hereby sell, convey and warrant unto EOYLN GRIFFIN, the following described land and property located and situated in the First Judicial District of Hinds County, Mississippi, to-wit:

Lot 22, Block 48, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, reference to which map or plat is hereby made in aid of and as a part of this description.

Ad valorem taxes for the above described property for the year 1973 are to be pro-rated.

The above described property is not a part of the homestead of the Grantors herein.

This conveyance is subject to all mineral reservations, easements and restrictive covenants affecting the above described property.

WITNESS OUR SIGNATURES, this the 28th day of June, 1973.

/s/ George W. Gilmore
George W. Gilmore
/s/ W.W. Bailey
W. W. Bailey
/s/ George C. Bailey
George C. Bailey

**Exhibit 4**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named GEORGE B. GILMORE, W. W. BAILEY and GEORGE C. BAILEY, who acknowledged that they signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office on this the 28th day of June, 1973.

/s/ Dovie P. Porter
Notary Public

My Comm. Expires: July 26, 1975

STATE OF MISSISSIPPI, County of Hinds

TOM VIRDEN, Clerk of the Chancery Court of said County, certify that the within Instrument was filed for record in my office the 29 day of JUNE 1973, at 12:25 o'clock P M., and was duly recorded on the 2 day of JULY,1973, Book No. 2116 Page 341 in my office.

Witness my hand and seal of office, this the 2 day of JULY,1973.

TOM VIRDEN, Clerk /s/ J. Wilson D.C.

**Exhibit 4**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Two Thousand Five Hundred Dollars ($2,500.00), cash in hand paid, receipt of which is hereby acknowledged, we the undersigned MRS. BETTY CAROLYN HENDERSON SANDERS (being one and the same person as Mrs. Robert B. Sanders, Jr.) and WILLIAM CARL HENDERSON, being the sole surviving heirs-at-law of their late father, William P. Henderson, whose estate was administered in the Chancery Court of Hinds County, Mississippi, First Judicial District, as Cause No. 50337, and being the sole surviving heirs-at-law and sole devisees in the Last Will and Testament of their late mother, Mrs. Leola Mae Henderson, whose estate was administered in the Chancery Court of Hinds County, First Judicial District, as Cause No. 72217 therein, do hereby convey and warrant unto MRS. EOLYN GRIFFIN that property situated in the First Judicial District of Hinds County, Mississippi, and more particularly described as:

Lot 13, Block 45, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 4, Page 70, reference to which is hereby made in aid of and as a part of this description.

The property herein conveyed does not constitute the homestead, nor any part thereof, of either of the Grantors. Ad valorem taxes for this year 1971 have been prorated as of this date, and Grantee agrees to pay same as and when they become due.

**Exhibit 5**

WITNESS our signatures this the 23rd day of August, 1971.

/s/ Mrs. Betty Carolyn Henderson Sanders
MRS. BETTY CAROLYN
HENDERSON SANDERS

/s/ William Carl Henderson
WILLIAM CARL HENDERSON

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me the undersigned authority at law in and for the aforesaid jurisdiction MRS. BETTY CAROLYN HENDERSON SANDERS (being one and the same person as Mrs. Robert B. Sanders, Jr.), who acknowledged that she executed the above and foregoing Warranty Deed on the day and year therein shown.

GIVEN under my hand and seal, this the 23rd day of August, 1971.

/s/ Mildred Lusk
NOTARY PUBLIC

My Commission Expires:
Feb. 11, 1972

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me the undersigned authority at law in and for the aforesaid jurisdiction WILLIAM CARL HENDERSON, who acknowledged that he executed the above and foregoing Warranty Deed on the day and year therein shown.

GIVEN under my hand and seal, this the 23rd day of August, 197.

/s/ Mildred Lusk
NOTARY PUBLIC

My Commission Expires:
Feb. 11, 1972

STATE OF MISSISSIPPI, County of Hinds:

I, Tom Virden, Clerk of the Chancery Court of said County, certify that the within Instrument was filed for record in my office on this 23 day of AUGUST, 1971, AT 4:15, o'clock P M., and was duly recorded on the 24 day of AUGUST, 1971, Book No. 1966 Page 342 in my office.

Witness my hand and seal of office, this the 24 day of AUGUST, 1971.

TOM VIRDEN,Clerk /s/ Linda Magee D.C.

**Exhibit 5**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, REBECCA J. STRONG, widow of R.B. Strong, deceased, do hereby sell, convey and warrant unto EOLYN GRIFFIN the following described lands and all improvements situated thereon located in the First Judicial District of Hinds County, Mississippi, to-wit:

Lots 10 and 11 in Block 45, Elraine Resurvey, Part 1, being a Resurvey of a part of "Elraine" a subdivision of lands in said district of said county, as shown by the plat of said subdivision and said Resurvey on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

City, State and County ad valorem taxes for the year 1967 and City of Jackson Special Assessment will be paid by the grantor.

Possession of the promises will be delivered on November 25, 1967.

WITNESS my signature, this the 16th day of November 1967.

/s/ Rebecca Strong
REBECCA J. STRONG

**Exhibit 6**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority of law in and for the jurisdiction aforesaid, REBECCA J. STRONG, who acknowledged that she signed and delivered the above and foregoing Warranty Deed on the day and year therein set forth.

WITNESS my signature and official seal of office, this the 16 day of November, 1967.

/s/ Joe T. Delmer
Notary Public

My commission expires:
Jan. 17, 1970

STATE OF MISSISSIPPI, County of Hinds:

I, Mrs. Charles A. Scott, Clerk of the Chancery Court of said County, certify that the within Instrument was filed for record in my office this 29 day of Nov, 1967, at 1:10 o'clock P M., and was duly recorded on the 30 day of Nov, 1967.

Witness my hand and seal of office, this the 30 day of Nov, 1967

MRS. CHARLES A. SCOTT, Clerk /s/ Lois Parker, D.C.

**Exhibit 6**

## WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I SYLVESTER GRIFFIN, do hereby sell, convey and warrant unto TRACY GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot Nine (9) Sunny-Side, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, Plat Book 1 at page 44, reference to which is hereby made.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 16th day of March, 1983.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 7**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and with in the jurisdiction aforesaid, the within named SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing instrument of the day and year therein mentioned.

Given under my hand and seal of office this the 16 day of March, 1983.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

STATE OF MISSISSIPPI, County of Hinds

I, Pete McGee, Clerk of the Chancery Court of said County, certify that the within instrument was filed for record in my office this 23 day of AUGUST, 1983, at 4:00 o'clock P M., and was duly recorded on the 24 day of AUGUST, 1983. Book No. 2930 Page 234 in my office.

Witness my hand and seal of office, this the 24 day of AUGUST, 1983.

PETE McGEE, Clerk By: /s/ L. H. Anderson D.C.

**Exhibit 7**

## WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, SYLVESTER GRIFFIN, do hereby sell, convey and warrant unto TRACY GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot 22, Block 10 of Greenfield Subdivision, Part 3, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 6, Page 24.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 6th day of April, 1983.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 8**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 6 day of April, 1983.

/s/ Joseph Sutton
Notary Public

My Commission expires: My Commission Expires April 19, 1992

STATE OF MISSISSIPPI, County of Hinds
I, Pete McGee, Clerk of the Chancery Court of said County, certify that the within instrument was field for record in my office on this 28 day of JUNE 1983, at 4:40 o'clock P. M., and was duly recorded on the 29 day of JUNE 1983, Book No. 2916 Page No. 296
Witness my hand and seal of office, this the 29 day of JUNE, 1983.
PETE MCGEE, Clerk /s/ R.Hudspeth D.C.

**Exhibit 8**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, SYLVESTER GRIFFIN, do hereby sell, convey and warrant unto TRACY GRIFFIN the following described property situated in the City of Jackson, Hinds County,Mississippi,and more particularly described as follows:

Lot forty-two (42), Block "m", Plymouth Heights, 3rd Unit, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3 at Page 68 thereof, reference to which is hereby made.

Said conveyance is made subject to all covenants, easements, restrictions, reservations, conditions and rights appearing of record and subject to any state of facts which an accurate survey would show.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 6th day of April, 1983.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 9**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within names SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 6 day of April , 1983.

/s/ Joseph Sutton Notary Public

My Commission expires: My Commission Expires April 19, 1992

STATE OF MISSISSIPPI, County of Hinds:
I, Pete McGee, Clerk of the Chancery Court of said County, certify that the within instrument was filed for record in my office this 28 day of JUNE , 1983, at 4:40 o'clock P M., and was duly recorded on the 29 day of JUNE , 1983. Book No. 2916 Page No. 295 in my office.
PETE McGEE, Clerk: /s/ R.Hudspeth D.C.

**Exhibit 9**

## WARRANTY DEED

For and in consideration of the sum of Ten and No/100 (10.00) Dollars, cash in hand paid, and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned SYLVESTER GRIFFIN, do hereby sell, transfer and warrant unto TRACY GRIFFIN, the following described land and property lying and being situated in the First Judicial District of Hinds County, Mississippi, more particularly described as follows, to-wit:

Lots 2 and 4, Block 20 of Shady Oaks, Part 10, as indicated on the map or plat thereof on file and of record in the office of the Clerk of the Chancery Court of Hinds County, at Jackson, Mississippi, in Plat Book 7, page 23.

The aforedescribed property is not now and never has constituted the homestead of the Grantor.

WITNESS MY SIGNATURE this, the 6th day of April, 1983.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY appeared before me the undersigned authority in and for said County and State, SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing Warranty Deed on the day and in the year last therein mentioned.

**Exhibit 10**

WITNESS my hand and official seal of office on this 6 day of April, 1983.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992.

My Commission Expires April 19, 1992

STATE OF MISSISSIPPI, County of Hinds

I, Pete McGee, Clerk of the Chancery Court of said County, certify that the within instrument was filed for record in my office this 28 day of JUNE,1983, at 4:40 o'clock P M., and was duly recorded on the 29 day of JUNE, 1983. Book No. 2916 Page 297 in my office.

WITNESS my hand and seal of office, this the 29 day of JUNE, 1983.

PETE McGEE, Clerk /s/ R. Hudspeth D.C.

**Exhibit 10**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Mrs. Eolyn Griffin, do hereby sell, convey and warrant unto Sylvester Griffin the following described land and property situated in the First Judicial District of Hinds County, Mississippi, to-wit:

Lot Twenty (20), Block "L", Plymouth Heights, 3rd Unit, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3, page 68, reference to which is made in aid of and as a part of this description.

The above described property is no part of the homestead of the undersigned grantor, and it has never been claimed as such by the grantor or her husband.

Witness my signature on the 9 day of December, 1988.

/s/ Eolyn Griffin
Eolyn Griffin

**Exhibit 11**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Eolyn Griffin, who acknowledged that she signed and delivered the above and foregoing instrument on the day and in the year there in mentioned.

Given under my hand and official seal on the 9 day of December, 1988.

/s/ Joseph Sutton
Notary Public

My Commission expires: My Commission Expires April 19, 1989

| GRANTOR | GRANTEE |
|---|---|
| Eolyn Griffin | Sylvester Griffin |
| Rt. 2 Box 4 | Hinds Co. Detention Center |
| Terry, MS | Jackson, MS 39201 |
| PHONE unknown | Phone 968-6500 |

STATE OF MISSISSIPPI, County of Hinds

I, certify that the within Instrument was filed for record in my office this 26 day of September, 1989, at 1:45 o'clock P M. and was duly recorded on the 27 day of September, 1989. Book No. 3668 Page 677
ALICE JAMES, CHANCERY CLERK
By: /s/ F. Harrington D.C.

**Exhibit 11**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, the undersigned EOLYN GRIFFIN,a widow,do hereby sell, convey and warrant unto SYLVESTER C. GRIFFIN the following described land and property located and situated in the First Judicial District of Hinds County, Mississippi,to-wit:

Lot 22, Block 48, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, reference to which map or plat is hereby made in aid of and as a part of this description.

Ad valorem taxes for the above described property for the year 1973 are to be assumed by the Grantee herein.

This conveyance is subject to all mineral reservations, easements and restrictive covenants affecting the above described property.

WITNESS MY SIGNATURE, this the 21st day of July, 1973.

/s/ Eolyn Griffin
EOLYN GRIFFIN

**Exhibit 12**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, EOLYN GRIFFIN, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office on this, the 21st day of July, 1973.

/s/ Betty D
NOTARY PUBLIC

Grantee, Eolyn Griffin Grantor, Sylvestor Griffin

STATE OF MISSISSIPPI, County of Hinds
I, certify that the within instrument was filed for record in my office this 6 day of November 1989, at 3:05 o'clock P M., and was duly recorded on the 7 day of November, 1989, Book No. 3668 Page 24
PETE MCGEE, CHANCERY CLERK:

/s/ B. Dubois D.C.

**Exhibit 12**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Two Thousand Five Hundred Dollars ($2,500.00), cash in hand paid, receipt of which is hereby acknowledged, I the undersigned MRS. EOLYN GRIFFIN, a widow, do hereby convey and warrant unto SYLVESTER GRIFFIN that property situated in the First Judicial District of Hinds County, Mississippi, and more particularly described as:

Lot 13, Block 45, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 4, Page 70, reference to which is hereby made in aid of and as a part of this description,

The property herein conveyed does not constitute the homestead, nor any part thereof, of the Grantor.

WITNESS my signature this the 23rd day of August, 1971.

/s/ Eolyn Griffin
MRS. EOLYN GRIFFIN

**Exhibit 13**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me the undersigned authority at law in and for the aforesaid jurisdiction MRS. EOLYN GRIFFIN, who acknowledged that she executed the above and foregoing Warranty Deed on the day and year therein shown.

GIVEN under my hand and seal, this the 23rd day of August, 1971.

/s/ Mildred Lusk
NOTARY PUBLIC

My Commission Expires:
Feb. 11, 1972

GRANTOR:
Eolyn Griffin
Address: Rt. 2 Box 4
City: Terry, MS

GRANTEE:
Sylvester Griffin
Hinds Co. Detention Center
City: Jackson, MS
Telephone: Unknown:

STATE OF MISSISSIPPI, County of Hinds:

I certify that the within instrument was filed for record in my office this 6 day of November, 1989, at 3:05 o'clock P. M., and was duly recorded on the 7 day of November, 1989. Book No. 3668 Page 25
PETE MCGEE, CHANCERY CLERK
/s/ B. Dubois D.C.

**Exhibit 13**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I, EOLYN GRIFFIN, do hereby sell, convey and warrant unto SYLVESTER GRIFFIN the following described lands and all improvements situated thereon located in the First Judicial District of Hinds County, Mississippi, to-wit:

Lots 10 and 11 in Block 45, Elraine Resurvey, Part 1, being a Resurvey of a part of "Elraine" a subdivision of lands in said district of said county, as shown by the plat of said subdivision and said Resurvey on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

Grantor, Eolyn Griffin, reserves unto herself a life estate in the above described property.

WITNESS my signature, this the 16th day of November, 1967.

/s/ Eolyn Griffin
EOLYN GRIFFIN

**Exhibit 14**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority of law in and for the jurisdiction aforesaid, EOLYN GRIFFIN, who acknowledged that she signed and delivered the above and foregoing Warranty Deed on the day and year therein set forth.

WITNESS my signature and official seal of office, this the 16th day of November, 1967.

/s/ Joe E. Delmer, Jr.
Notary Public

My commission expires: Jan. 17, 1970

| GRANTOR: | GRANTEE: |
|---|---|
| Eolyn Griffin | Sylvester Griffin |
| Address: Rt. 2 Box 4 | Address: Hinds Co. Detention Center |
| City: Terry, MS | City: Jackson, MS |
| Phone: Unknown | Phone: Unknown |

STATE OF MISSISSIPPI, County of Hinds:
I, certify that the within Instrument was filed for record in my office this 6 day of November, 1989. at 3:05 o'clock P M., and was duly recorded on the 7 day of November, 1989. Book 3668 Page 23.
PETE MCGEE, CHANCERY CLERK
BY: /s/ B. DuBois D.C.

**Exhibit 14**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I TRACY GRIFFIN, do hereby sell, convey and warrant unto SYLVESTER GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot Nine (9) Sunny-Side, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, Plat Book 1 at page 44, reference to which is hereby made.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the April 14 day of April, 1983.

/s/ Tracy Griffin

TRACY GRIFFIN

**Exhibit 15**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and with in the jurisdiction aforesaid, the within named TRACY GRIFFIN, who acknowledged that she signed and delivered the foregoing instrument of the day and year therein mentioned.

Given under my hand and seal of office this the 16 day of April, 1983.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992.

| GRANTOR | GRANTEE |
|---|---|
| NAME Tracy Griffin | NAME Sylvester Griffin |
| ADDRESS unknown | Hinds Co. Detention Center |
| CTY Little Rock, Ark | CITY Jackson, MS 39201 |
| PHONE Unknown | PHONE 968-6500 |

STATE OF MISSISSIPPI, County of Hinds

I, certify that the within instrument was filed for record in my office this 26 day of September,1989, at 1:45 o'clock P M., and was duly recorded on the 25 day of September, 1989. Book No. 3648 Page 682

PETE McGEE,Clerk /s/F. Harrington D.C.

**Exhibit 15**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, TRACY GRIFFIN, do hereby sell, convey and warrant unto SYLVESTER GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot 22, Block 10 of Greenfield Subdivision, Part 3, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 6, Page 24.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 6th day of April, 1983.

/s/ Tracy Griffin
TRACY GRIFFIN

**Exhibit 16**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named TRACY GRIFFIN, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 6th day of April, 1983.

/s/ Joseph Sutton
Notary Public

My Commission expires:
My Commission Expires April 19, 1992

| GRANTOR: | GRANTEE: |
|---|---|
| NAME: Tracy Griffin | Sylvester Griffin |
| ADDRESS: unknown | Hinds Co. Detention Center |
| CITY: Little Rock, AR | Jackson, MS 39201 |
| PHONE: Unknown | PHONE: 968-6500 |

STATE OF MISSISSIPPI, COUNTY of Hinds:

I, certify that the within instrument was filed for record in my office this 26 day of September, 1989, at 1:45 o'clock P. M., and was duly recorded on the 27 day of September, 1989. Book No. 36348 Page 679

PETE MCGEE, CHANCERY CLERK:

/s/ F. Harrington D.C.

**Exhibit 16**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, TRACY GRIFFIN, do hereby sell, convey and warrant unto SYLVESTER GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot forty-two (42), Block "m", Plymouth Heights, 3rd Unit, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3 at Page 68 thereof, reference to which is hereby made.

Said conveyance is made subject to all covenants, easements, restrictions, reservations, conditions and rights appearing of record and subject to any state of facts which an accurate survey would show.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 6th day of April, 1983.

/s/ Tracy Griffin
TRACY GRIFFIN

**Exhibit 17**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within names TRACY GRIFFIN, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 6 day of April , 1983.

/s/ Joseph Sutton
Notary Public

My Commission expires: My Commission Expires April 19, 1992

| GRANTOR | GRANTEE |
|---|---|
| NAME Tracy Griffin | Sylvester Griffin |
| ADDRESS Unknown | Hinds Co. Detention Center |
| CITY Little Rock, ARK | Jackson, MS 39201 |
| PHONE unknown | PHONE 968-6500 |

STATE OF MISSISSIPPI, COUNTY of Hinds:

I, certify that the within instrument was filed for record in my office this 26 day of September, 1989, at 1:45 o'clock P. M., and was duly recorded on the 27 day of September, 1989. Book No. 36348 Page 681
PETE MCGEE, CHANCERY CLERK By: /s/ F. Harrington D.C.

**Exhibit 17**

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 (10.00) Dollars, cash in hand paid, and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned TRACY GRIFFIN, do hereby sell, transfer and warrant unto SYLVESTER GRIFFIN, the following described land and property lying and being situated in the First Judicial District of Hinds County, Mississippi, more particularly described as follows, to-wit:

Lots 2 and 4, Block 20 of Shady Oaks, Part 10, as indicated on the map or plat thereof on file and of record in the office of the Clerk of the Chancery Court of Hinds County, at Jackson, Mississippi, in Plat Book 7, page 23.

The aforedescribed property is not now and never has constituted the homestead of the Grantor.

WITNESS MY SIGNATURE this, the 6th day of April, 1983.

/s/ Tracy Griffin
TRACY GRIFFIN

**Exhibit 18**

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY appeared before me the undersigned authority in and for said County and State, TRACY GRIFFIN, who acknowledged that she signed and delivered the foregoing Warranty Deed on the day and in the year last therein mentioned.

WITNESS my hand and official seal of office on this 6 day of April, 1983.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

| GRANTOR | GRANTEE |
|---|---|
| NAME Tracy Griffin | Sylvester Griffin |
| ADDRESS unknown | Hinds Co. Detention Center |
| CITY Little Rock, Ark | Jackson, MS 39201 |
| PHONE Unknown | PHONE 968-6500 |

STATE OF MISSISSIPPI, County of Hinds

I, certify that the within instrument was filed for record in my office this 26 day of September, 1989, at 1:45 o'clock P M., and was duly recorded on the 27 day of September, 1989. Book No. 3648 Page 678 in my office.

PETE McGEE, CHANCERY CLERK By: /s/ F. Harrington D.C.

**Exhibit 18**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Sylvester Griffin, do hereby sell, convey and warrant unto Eolyn Griffin the following described land and property situated in the First Judicial District of Hinds County, Mississippi, to-wit:

Lot Twenty (20), Block "L", Plymouth Heights, 3rd Unit, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3, page 68, reference to which is made in aid of and as a part of this description.

The above described property is no part of the homestead of the undersigned grantor, and it has never been claimed as such by the grantor or her husband.

Witness my signature on the 15 day of January, 1991.

/s/ Sylvester Griffin
Sylvester Griffin

**Exhibit 19**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Sylvester Griffin, who acknowledged that she signed and delivered the above and foregoing instrument on the day and in the day and in the year therein mentioned.

Given under my hand and official seal on this Jan 15 day of 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

Sylvester Griffin
P. O. Box 83136
Jackson, MS 39283
Phone. 3665389

Eolyn Griffin
Deceased

STATE of MISSISSIPPI, County of Hinds:
I, certify that the within instrument was filed for record in my office this 28 day of May, 1992, at 4:50 o'clock P. M., and was duly recorded on the 29 day of May, 1992. Book No. 3968 Pate 511
ALICE JAMES, CHANCERY CLERK
/s/ F. Harrington D.C.

**Exhibit 19**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, Sylvester Griffin, do hereby sell, convey and warrant unto Eolyn Griffin the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot 22, Block 48, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, reference to which map or plat is hereby made in aid of and as a part of this description.

This conveyance is subject to all easements, mineral reservations and restrictive convenants affecting the above described property.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the15 day of Jan , 1991.

/s/ Sylvester Griffin

Sylvester D. Griffin

**Exhibit 20**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named Sylvester Griffin, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 15 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires: April 19, 1992

Sylvester Griffin

P.O. Box 83136
Jackson, MS 39283
Phone: 366-9349

Eolyn Griffin

Deceased

STATE OF MISSISSIPPI, County of Hinds:
I certify that the within instrument was filed for record in my office this 28 day of May 1992, at 4:50 o'clock P.M., and was duly recorded on the 29 day of May, 1992, Book No. 3968 Page 510
ALICE JAMES, CHANCERY CLERK
/s/ F. Harrington D.C.

**Exhibit 20**

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 (10.00) Dollars, cash in hand paid, and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned Sylvester Griffin, do hereby sell, transfer and warrant unto Eolyn Griffin, the following described land and property lying and being situated in the First Judicial District of Hinds County, Mississippi, more particularly described as follows, to-wit:

Lot 13, Block 45, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 4, Page 70, reference to which is hereby made in aid of and as a part of this description.

The afordescribed property is not now and never has constituted the homestead of the Grantor.

WITNESS MY SIGNATURE this, the 15, day of Jan., 1991.

/s/ Sylvester Griffin
Sylvester Griffin

My Commission Expires April 19, 1992

**Exhibit 21**

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY appeared before me the undersigned authority in and for said County and State, Sylvester Griffin, who acknowledged that he signed and delivered the foregoing Warranty Deed on the day and in the year last therein mentioned.

WITNESS my hand and official seal of office on this 15 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

Sylvester Griffin
P. O. Box 83136
Jackson, MS 39283
Phone: 366-5349

Eolyn Griffin
Deceased

STATE OF MISSISSIPPI, County of Hinds:

I, certify that the within instrument was filed for record in my office this 28 day of May 1992, at 4:05 o'clock P M., and was duly recorded on the 29 day of May, 1992. Book No. 3968 Page 513.

ALICE JAMES, CHANCERY CLERK
/s/ F. Harrington D.C.

**Exhibit 21**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (10.00) cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, SYLVESTER GRIFFIN, do hereby sell, convey and warrant unto EOLYN GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lots 10 and 11 in Block 45, Elraine Resurvey, Part 1, being a Resurvey of a part of "Elraine" a subdivision of lands in said district of said county, as shown by the plat of said subdivision and said Resurvey on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 15 day of Jan 1991, 1991.

/s/ Sylvester Griffin
Sylvester Griffin

**Exhibit 22**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named Sylvester Griffin, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 15 day of Jan, 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

Sylvester Griffin
P. O. Box 83136
Jackson, MS 39293
Phone: 366-5349

Eolyn Griffin - Deceased

STATE OF MISSISSIPPI, County of Hinds:

I, certify that the within instrument was filed for record in my office this 28 day of May, 1992, at 4:45 o'clock P M., and duly recorded on the 29 day of May, 1992. Book No. 3968 Page 512.

ALICE JAMES, CHANCERY CLERK
/s/ F. Harrington D.C.

**Exhibit 22**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I Sylvester Griffin, do hereby sell, convey and warrant unto Tracy Madison the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot Nine (9) Sunny-Side, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, Plat Book 1 at page 44, reference to which is hereby made.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 11 day of Jan., 1991.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 23**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and with in the jurisdiction aforesaid, the within named Sylvester Griffin, who acknowledged that he signed and delivered the foregoing instrument of the day and year therein mentioned.

Given under my hand and seal of office this the 11 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

Sylvester Griffin
P. O. Box 83136
Jackson, MS 39283
Phone: 366-5349

Tracy Madison
232 Wacaster
Jackson, MS
Phone: 982-5534

STATE OF MISSISSIPPI, County of Hinds

I, certify that the within instrument was filed for record in my office this 28 day of May,1992, at 4:50 o'clock P M., and was duly recorded on the 29 day of May, 1992. Book No. 3968 Page 515

ALICE JAMES, CHANCERY CLERK
/s/ F. Harrington D.C.

**Exhibit 23**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, Sylvester Griffin, do hereby sell, convey and warrant unto Tracy Madison the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot 22, Block 10 of Greenfield Subdivision, Part 3, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 6, Page 24.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 11th day of January 1991.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 24**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 11th day of January, 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

Sylvester Griffin
P. O. Box 83136
Jackson, MS 39282
PhOne: 366-5349

Tracy Madison
232 Wacaster
Jackson, MS 39208
Phone: 982-5534

STATE OF MISSISSIPPI, County of Hinds:

I, certify that the within instrument was filed for record in my office this 28 day of May, 1992, at 4:50 o'clock P M., and was duly recorded on the 29 day of May, 1992. Book No. 3968 Pate 516
ALICE JAMES, CHANCERY CLERK
/s/ F Harrington D.C.

**Exhibit 24**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, SYLVESTER GRIFFIN , do hereby sell, convey and warrant unto TRACY MADISON the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot forty-two (42), Block "m", Plymouth Heights, 3rd Unit, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3 at Page 68 thereof, reference to which is hereby made.

Said conveyance is made subject to all covenants, easements, restrictions, reservations, conditions and rights appearing of record and subject to any state of facts which an accurate survey would show.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 11th day of January 1991.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 25**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within names SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 11th day of January , 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

| | |
|---|---|
| Sylvester Griffin | Tracy Madison |
| P.O. Box 83136 | 232 Wacaster |
| Jackson, MS | Jackson, MS 39209 |
| Phone: 366-5349 | Phone: 982-5534 |

STATE OF MISSISSIPPI, County of Hinds

I, certify that the within instrument was filed for record in my office this 28 day of May,1992, at 4:50 o'clock P M., and was duly recorded on the 29 day of May, 1992. Book No. 3968 Page 517
ALICE JAMES, CHANCERY CLERK

/s/ F. Harrington D.C.

**Exhibit 25**

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 (10.00) Dollars, cash in hand paid, and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned SYLVESTER GRIFFIN, do hereby sell, transfer and warrant unto TRACY MADISON, the following described land and property lying and being situated in the First Judicial District of Hinds County, Mississippi, more particularly described as follows, to-wit:

Lots 2 and 4, Block 20 of Shady Oaks, Part 10, as indicated on the map or plat thereof on file and of record in the office of the Clerk of the Chancery Court of Hinds County, at Jackson, Mississippi, in Plat Book 7, page 23.

The aforedescribed property is not now and never has constituted the homestead of the Grantor.

WITNESS MY SIGNATURE this, the 11th day of January, 1991.

/s/ Sylvester Griffin
SYLVESTER GRIFFIN

**Exhibit 26**

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY appeared before me the undersigned authority in and for said County and State, SYLVESTER GRIFFIN, who acknowledged that he signed and delivered the foregoing Warranty Deed on the day and in the year last therein mentioned.

WITNESS my hand and official seal of office on this 11th day of January, 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

| | |
|---|---|
| Sylvester Griffin | Tracy Madison |
| P. O. Box 83136 | 232 Wacaster |
| Jackson, MS 39283 | Jackson, MS |
| Phone: 366-5349 | Phone: 982-5534 |

STATE OF MISSISSIPPI, County of Hinds

I, certify that the within instrument was filed for record in my office this 28 day of May,1992, at 4:50 o'clock P M., and was duly recorded on the 29 day of May, 1992. Book No. 3968 Page 514

ALICE JAMES, CHANCERY CLERK
/s/ F. Harrington D.C.

**Exhibit 26**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Eolyn Griffin, do hereby sell, convey and warrant unto Tamora Robinson the following described land and property situated in the First Judicial District of Hinds County, Mississippi, to-wit:

Lot Twenty (20), Block "L", Plymouth Heights, 3rd Unit, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3, page 68, reference to which is made in aid of and as a part of this description.

The above described property is no part of the homestead of the undersigned grantor, and it has never been claimed as such by the grantor or her husband.

Witness my signature on this 17 day of Jan, 1991.

/s/ Eolyn Griffin
Eolyn Griffin

**Exhibit 27**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Eolyn Griffin, who acknowledged that she signed and delivered the above and foregoing instrument on the day and in the year therein mentioned.

Given under my hand and official seal on this 17 day of Jan.,1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

GRANTOR:

Now Deceased

GRANTEE:

2731 Dry Grove Road
Crystal Springs, MS 39059
Home Phone - Unlisted
Work Phone - None-Retired

State of Mississippi
County of Hinds
Filed Recorded
August 22, 3:05 PM '94
Book 4346
Page 391
Alice James: Chancery Clerk

**Exhibit 27**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I,Eolyn Griffin, do hereby sell, convey and warrant unto Clyda Mae Myers, the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot 22, Block 48, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, reference to which map or plat is hereby made in aid of and as a part of this description.

This conveyance is subject to all easements, mineral reservations and restrictive convenants affecting the above described property.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 24 day of Jan., 1991.

/s/ Eolyn Griffin
Eolyn Griffin

**Exhibit 28**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named Eolyn Griffin, who acknowledge that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 24 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

| GRANTOR: | GRANTEE: |
|---|---|
| Now Deceased | 6240 Winthrop Circle<br>Jackson, MS 39206<br>Phone - (601) 982-5534 (H)<br>Phone - (W) - None: Retired |

State of Mississippi
County of Hinds
Filed Recorded
August 22, 3:06 PM '94
Book 4346
Page 393
Alice James: Chancery Clerk

**Exhibit 28**

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 (10.00) Dollars, cash in hand paid, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Eolyn Griffin, do hereby sell, transfer and warrant unto Clyda Mae Myers, the following described land and property lying and being situated in the First Judicial District of Hinds County, Mississippi, more particularly described as follows, to-wit:

Lot 13, Block 45, Elraine Resurvey, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 4, Page 70, reference to which is hereby made in aid of and as a part of this description.

The aforedescribed property is not now and never has constituted the homestead of the Grantor.

WITNESS MY SIGNATURE this, the 24, day of Jan., 1991

/s/ Eolyn Griffin
Eolyn Griffin

**Exhibit 29**

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY appeared before me the undersigned authority in and for the County and State, Eolyn Griffin, who acknowledged that she signed and delivered the foregoing Warrant Deed on the day and in the year last therein mentioned.

WITNESS my hand and official seal of office on this 24 day of Jan, 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

GRANTOR:

Now Deceased

GRANTEE:

6249 Winthrop Circle
Jackson, MS 39206
Phone - (601) 982-5534 (H)
Phone - (W) None: Retired

State of Mississippi
County of Hinds
Filed Recorded
August 22, 3:06 PM '94
Book 4346
Page 387
Alice James: Chancery Clerk

**Exhibit 29**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (10.00) cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, Eolyn Griffin, do hereby sell, convey and warrant unto Clyda Mae Myers the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lots 10 and 11 in Block 45, Elraine Resurvey, Part 1, being a Resurvey of a part of "Elraine" a subdivision of lands in said district of said county, as shown by the plat of said subdivision and said Resurvey on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 24 day of Jan 1991, 1991.

/s/ Eolyn Griffin
Eolyn Griffin

**Exhibit 30**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named Eolyn Griffin, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 24 day of Jan., 1991.

Joseph Sutton
Notary Public
My Commission Expires April 19,1992

| GRANTOR: | GRANTEE: |
|---|---|
| Now Deceased | 6420 Winthrop Circle<br>Jackson, MS 39206<br>Phone- (601) 982-5534 (H)<br>Phone-(W) - None: Retired |

State of Mississippi
County of Hinds
Filed Recorded
August 22, 3:06 PM '94
Book 4346
Page 389
Alice James: Chancery Clerk

**Exhibit 30**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I Tracy Madison, do hereby sell, convey and warrant unto Claude Edward Griffin, the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot Nine (9) Sunny-Side, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, Plat Book 1 at page 44, reference to which is hereby made.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 18 day of Jan., 1991.

/s/ Tracy Madison
TRACY MADISON

**Exhibit 31**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and with in the jurisdiction aforesaid, the within named Tracy Madison, who acknowledged that she signed and delivered the foregoing instrument of the day and year therein mentioned.

Given under my hand and seal of office this the 18 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992.

GRANTOR'S ADDRESS:

Tracy Madison
4301 Bear Tree
Little Rock, Ark 72212
(501) 868-777 (H)

GRANTEE'S ADDRESS

Claude Edward Griffin
1803 61st Ave.
Gulfport, MS 39501
(601) 864-0692 (H)
Phone-(W) - None: Retired

State of Mississippi
County of Hinds
Filed Recorded
August 11, 3:15 PM '94
Book 4340
Page 246
Alice James: Chancery Clerk

**Exhibit 31**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.))), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, Tracy Madison, do hereby sell, convey and warrant unto Claude Edward Griffin, the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot 22, Block 10 of Greenfield Subdivision, Part 3, a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 6, Page 24.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

Witness my signature this the 18 day of Jan., 1991.

/s/ Tracy Madison
Tracy Madison

**Exhibit 32**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within named Tracy Madison, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 18 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

| GRANTOR'S ADDRESS: | GRANTEE'S ADDRESS |
|---|---|
| Tracy Madison | Claude Edward Griffin |
| 4301 Bear Tree | 1803 61st Ave. |
| Little Rock, Ark 72212 | Gulfport, Ms 39501 |
| (501) 868-7777 (H) | (601) 864-0692 (H) |
| | (601) 864-0692 (W) |

State of Mississippi
County of Hinds
Filed Recorded
August 11, 3:15 PM '94
Book 4340
Page 252
Alice James: Chancery Clerk

**Exhibit 32**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (10.00), cash in hand paid and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I,TRACY MADISON , do hereby sell, convey and warrant unto CLAUDE EDWARD GRIFFIN the following described property situated in the City of Jackson, Hinds County, Mississippi, and more particularly described as follows:

Lot forty-two (42), Block "m", Plymouth Heights, 3rd Unit, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 3 at Page 68 thereof, reference to which is hereby made.

Said conveyance is made subject to all covenants, easements, restrictions, reservations, conditions and rights appearing of record and subject to any state of facts which an accurate survey would show.

The property herein conveyed does not now constitute nor has it ever constituted the homestead of the Grantor herein.

WITNESS my signature this the 18 day of Jan , 1991.

/s/ Tracy Madison
TRACY MADISON

**Exhibit 33**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority for and within the jurisdiction aforesaid, the within names TRACY MADISON, who acknowledged that she signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office, this the 18 day of Jan. , 1991.

/s/ Joseph Sutton
Notary Public

My Commission Expires April 19, 1992

Grantor's Address:

Tracy Madison
4301 Bear Tree
Little Rock, Ark 72212
(501) 868-7777

Grantee's Address:

Claude Edward Griffin
1803 61st Ave.
Gulfport, MS 39501
(H)(601) 864-0692
(601) 864-0692

State of Mississippi
County of Hinds
Filed Recorded
August 11, 3:15 PM '94
Book 4340
Page 250
Alice James: Chancery Clerk

**Exhibit 33**

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 (10.00) Dollars, cash in hand paid, and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned TRACY MADISON, do hereby sell, transfer and warrant unto CLAUDE EDWARD GRIFFIN, the following described land and property lying and being situated in the First Judicial District of Hinds County, Mississippi, more particularly described as follows, to-wit:

Lots 2 and 4, Block 20 of Shady Oaks, Part 10, as indicated on the map or plat thereof on file and of record in the office of the Clerk of the Chancery Court of Hinds County, at Jackson, Mississippi, in Plat Book 7, page 23.

The aforedescribed property is not now and never has constituted the homestead of the Grantor.

WITNESS MY SIGNATURE this, the 18 day of Jan., 1991.

/s/ Tracy Madison
TRACY MADISON

**Exhibit 34**

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY appeared before me the undersigned authority in and for said County and State, TRACY MADISON, who acknowledged that she signed and delivered the foregoing Warranty Deed on the day and in the year last therein mentioned.

WITNESS my hand and official seal of office on this 18 day of Jan., 1991.

/s/ Joseph Sutton
Notary Public
My Commission Expires April 19, 1992

Grantor's Address:

Tracy Madison
4301 Bear Tree
Little Rock, Ark 72212
(501) 868-777 (H)

Grantee's Address

Claude Edward Griffin
1803 61st Ave.
Gulfport, MS 39501
(601) 864-0692 (H)
(601) 864-0692 (H)

State of Mississippi
County of Hinds
Filed Recorded
August 11, 3:15 PM '94
Book 4340
Page 248
Alice James: Chancery Clerk

**Exhibit 34**

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

LOTTIE GRIFFIN — PLAINTIFF
VS. — NO. 137,128
SYLVESTER GRIFFIN — DEFENDANT

ORDER

THIS CAUSE having come on to be heard and both parties being represented by counsel in Court and the Court having heard testimony doth find as follows, to-wit:

1. The Court has jurisdiction of the parties and the subject matter in the above styled and numbered cause.

2. The Court declines to rule on the validity of the deed transfers by Sylvester Griffin to various dead and living relatives titles of real property which is more properly within the purview of the bankruptcy court and this Court therefore defers to the Bankruptcy Courts' jurisdiction in this matter.

3. The Court does not find that Sylvester Griffin is in contempt of Court for the non-payment of tutition for the 1992 fall semester and the Court finds and hereby orders Sylvester Griffin to pay in the sum of $1,207.95 as child support in the form of tuition.

4. The Court finds that LOTTIE GRIFFIN is entitled to be paid the sum of 750.00 for attorney's fees for obtaining said child support in the name of tutition.

**Exhibit 37**

SO ORDERED, ADJUDGED AND DECREED this the 9 day of March, 1993.

/s/ Charles Brewer
SPECIAL MASTER

/s/ Denise S. Owens
DENISE S. OWENS, CHANCELLOR

APPROVED BY:

/s/ Nancy Beck
NANCY J. BECK
Attorney at Law
729 High Street
Jackson, MS 39201
601-354-4145
MSB#2291

SAMUEL TUCKER
Attorney for Defendant

**Exhibit 37**

# APPENDIX F

IN THE CHANCERY OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON

PLAINTIFFS

VS. CIVIL ACTION NO. G-94-1894

LOTTIE GRIFFIN (CAMPBELL)

DEFENDANT

**PLAINTIFF'S FIRST SET OF REQUEST FOR ADMISSIONS FROM THE DEFENDANT**

Pursuant to Rule 36 of the Mississippi Rules of Civil Procedure, the Plaintiffs request that the Defendant admit or deny the following Request for Admissions.

**REQUEST FOR ADMISSION NO. 1:** Admit or deny that in 1989 your attorney, Nancy J. Beck had recorded in the Chancery Clerk's Office of the First Judicial District of Hinds County, Mississippi the Deeds which are attached hereto as Exhibits "1" through "8" being Deeds from Sylvester Griffin's mother (i.e. Eolyn Griffin) and Sylvester Griffin's daughter (i.e. Tracy Griffin) to Sylvestor Griffin while Sylvester was incarcerated in the Hinds County Jail.

**REQUEST FOR ADMISSION NO. 2:** Admit or deny that when your attorney Nancy J. Beck, recorded the Deeds attached hereto as Exhibits "1" through "4," that your attorney, Nancy J. Beck, did not have permission or authority from Eolyn Griffin to record these Deeds from Eolyn Griffin to Sylvester Griffin.

**REQUEST FOR ADMISSION NO. 3:** Admit or deny that when your attorney Nancy J. Beck, recorded the Deeds attached hereto as Exhibits "5" through "8," that your attorney, Nancy J. Beck, did not have permission or authority from Tracy Griffin to record these Deed from Tracy Griffin to Sylvester Griffin.

**REQUEST FOR ADMISSION NO. 4:** Admit or deny that when your attorney Nancy J. Beck, recorded the Deeds attached hereto as Exhibits "1" through "4," that your attorney, Nancy J. Beck, did not have permission or authority from Sylvester Griffin to record these Deeds from Eolyn Griffin to Sylvester Griffin.

**REQUEST FOR ADMISSION NO. 5:** Admit or deny that when your attorney Nancy J. Beck, recorded the Deeds attached hereto as Exhibits "5" through "8," that your attorney, Nancy J. Beck, did not have permission or authority from Sylvester Griffin to record these Deeds from Tracy Griffin to Sylvester Griffin.

**REQUEST FOR ADMISSION NO. 6:** Admit of deny that there was no delivery from Eolyn Griffin to Sylvester Griffin of the Deeds and conveyances of the real property described in Exhibits "1" through "4" before these Deeds were recorded in the Chancery Clerk's Office of the First Judical of Hinds County, Mississippi.

**REQUEST FOR ADMISSION NO. 7:** Admit of deny that there was no delivery from Tracy Griffin to Sylvester Griffin of the Deeds and conveyances of the real property described in Exhibits "5" through "8" before these Deeds were recorded in the Chancery Clerk's Office of the First Judical District of Hinds County, Mississippi.

**REQUEST FOR ADMISSIOn NO. 8 :** Admit or deny that there was no acceptance by Sylvester Griffin of the Deeds and conveyances of the real property described in Exhibits "1" through "8" before these Deeds were recorded in the Chancery Clerk's Office of the First Judical District of Hinds County, Mississippi.

RESPECTFULLY SUBMITTED, this the 22nd day of December, 1994.

/s/ Edwin E. Kerstine
EDWIN E. KERSTINE (MSB #3588)
ATTORNEY FOR PLAINTIFFS
P.O. BOX 2930
JACKSON, MS 39207-2930
(601) 939-8585

CERTIFICATE OF SERVICE

I, the undersigned attorney do hereby certify that I have this day HAND-DELIVERED, a true and correct copy of the above and foregoing **PLAINTIFFS' FIRST SET REQUEST FOR ADMISSIONS FROM DEFENDANT**, to the attorney for the Defendant at her respective office and mailing address as follows:

Hon. Nancy J. Beck
729 High Street
Jackson, MS 39202

SO CERTIFIED, this the 22nd day of December, 1994.

/s/ Edwin E. Kerstine
EDWIN E. KERSTINE
ATTORNEY FOR PLAINTIFFS

IN THE CHANCERY COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY,
MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS
AND TAMORA ROBINSON
PLAINTIFFS

VS CIVIL ACTION NO. G94-1894

LOTTIE GRIFFIN (CAMPBELL)
DEFENDANT

RESPONSE TO MOTION TO COMPEL DISCOVERY TO DEEM ADMISSIONS ADMITTED AND FOR SANCTIONS

COMES NOW LOTTIE GRIFFIN (CAMPBELL), Defendant, and files this her response to Motion to Compel Discovery to Deem Admissions Admitted and for Sanction and would say to the Court the following to-wit:

1. Admitted, except that to the best of CAMPBELL'S recollection, the recording was done during the course of the divorce trial.

2. Admitted, however Beck had the permission of the judge.

3. Admitted, however Beck had the permission of the judge.

4. Admitted, However Beck had the permission of the judge.

5. Admitted, however Beck had the permission of the judge.

6. Denied.

7. Denied.

8. Denied.

Respectfully submitted this the day of May, 1995

/s/ Lottie Griffin Campbell
LOTTIE GRIFFIN CAMPBELL

/s/ Nancy Beck
NANCY J. BECK
ATTORNEY AT LAW
729 High Street
Jackson, MS 39201
MSB #2291
(601) 354-4145

CERTIFICATEOF SERVICE

I, NANCY J. BECK, do hereby certify that I have this day, placed in the United States mail, postage prepaid, a true and correct copy of the above and foregoing causes.

Hon. Edward Kerstine
P.O. Box 2930
Jackson, MS 39207

Hon. Marc Brand
P.O. Box 3508
Jackson, MS 39207

Hon. John Connelly
P. O. Box 143
Jackson, MS 39205

This, the 16 day of May, 1995.

/s/ Nancy Beck
NANCY J. BECK

# APPENDIX G

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON — PLAINTIFFS

VS. — CIVIL ACTION NO. G-94-1849

LOTTIE GRIFFIN (CAMPBELL) — DEFENDANT

**STATE OF MISSISSIPPI§**
§ AFFIDAVIT OF PATRICK
**COUNTY OF HINDS** § S. McCARTHY

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, the within named PATRICK S. McCARTHY who being first duly sworn by me, on his oath deposes and states the following to-wit:

1. My name is Patrick S. McCarthy, and I am an adult resident citizen of Hinds County, Mississippi. I am licensed to practice law by the State of Mississippi, and do so in the City of Jackson, Mississippi. I am in good standing with The Mississippi Bar.

2. I am competent to testify in the lawsuit now filed in the Chancery Court of Hinds County, Mississippi, being *Claude Griffin, Clyda Mae Myers, and Tamora Robinson vs. Lottie Griffin (Now Campbell)*, case number G-94-1849.

3. Mrs. Eolyn Griffin contacted me in the latter part of 1990 to represent her concerning real property which had been divested and deeded out of her name and

ownership, and placed into the name and ownership of Sylvester Griffin, her son. This was accomplished, as stated by Mrs. Griffin, by the act or acts of some person or persons who took deeds she had signed but not delivered from her home. Mrs. Griffin believed those deeds were given to Nancy Beck, the attorney for Lottie Griffin, who at the time was married to Sylvester. These deeds had apparently been recorded in the deed records of the Chancery Court of Hinds County, Mississippi: Mrs. Griffin indicating such recording was done without her knowledge and/or consent.

5. Eolyn Griffin retained by services as an attorney for what she called "fixing" the title to her properties back the way it was before the deeds were taken away from her home and recorded. When I talked to her, she was very upset about someone taking the deeds away from her. She was very specific that she had not given the deeds to Sylvester and she was not ready at that time to give these deeds to him.

6. Mrs. Griffin explained to me that the deeds which she had signed were in a metal box in her house in a closet on a shelf.

7. I commenced my work for her by first doing a title check and search of the properties in question, and the I drafting a suit to set aside the conveyances. This suit was to be filed in bankruptcy court, as Sylvester Griffin had filed for bankruptcy protection, and other litigation was going on in that forum concerning the subject properties. This suit was based on the theory that there was not a delivery by Mrs. Griffin to Sylvester Griffin and that an immediate party could not effectuate a delivery on behalf of Mrs. Griffin without her consent.

8. The lawsuit was not filed on behalf of Mrs. Griffin due to the fact her health had declined to the point that I decided that I could not go on with the case unless a conservator was appointed for her. Shortly thereafter, she passed away.

9. I did not represent the Estate of Eolyn Griffin. Joe Moss was the attorney for Mrs. Griffin's Estate, and this situation concerning the deeds and their recording was not pursued as far as I know.

AND THE AFFIANT SAYETH FURTHER NOT.

/s/ Patrick McCarthy
PATRICK McCARTHY

SWORN TO AND SUBSCRIBED before me, this the 23rd day of June, 1995.

/s/
NOTARY PUBLIC

My Commission Expires :Sept. 11, 1995

# APPENDIX H

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON

PLAINTIFFS

VS. CIVIL ACTION NO. G-94-1849

LOTTIE GRIFFIN (CAMPBELL)

DEFENDANT

STATE OF MISSISSIPPI
COUNTY OF HINDS

**AFFIDAVIT OF CLAUDE GRIFFIN**

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, the within named CLAUDE GRIFFIN who being first duly sworn by me, on his oath deposes and states the following, to-wit:

1. My name is Claude Griffin, and I am an adult resident citizen of Gulfport, Mississippi.

2. I am competent to testify in the lawsuit now filed in the Chancery Court of Hinds County, Mississippi, being Claude Griffin, Clyda Mae Myers and Tamora Robinson vs. Lottie Griffin (Now Campbell) case number G-94-1849 and I am a party Plaintiff in this suit.

3. On January 18, 1991 my niece, Tracy Griffin Madison conveyed to me the following described properties

in Jackson, Mississippi, the legal description to these properties I acquired in 1991 along with their addresses are as follows:

TRACT "A"

Lot 22 Block 10 of Greenfield Subdivision, Part 3, a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 252 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: 3863 Slayton, Jackson, Mississippi

TRACT "B"

Lot Forty-Two (42), Block "M", Plymouth Heights, 3rd Unit, according to the map or plat on file thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in plat book 3 at page 68, reference thereof is hereby made.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 250 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: 1029 Carnation, Jackson, Mississippi.

TRACT "C"

Lots 2 and 4 of Block 20 of Shady Oaks, Part 10 as indicated on the map or plat on file thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in plat book 7 at page 23, reference thereof is hereby made.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 248 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: Idaho Street, Jackson, Mississippi.

Tract D:

Lot Nine (9), Sunny-Side, according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 1, at page 44, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Claude Edward Griffin from Tracy Madison, by Deed dated January 18, 1991, and recorded on August 11, 1994 in Deed Book 4340, at page 246 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: 232 & 232 1/2 Wacaster, Jackson, Mississippi.

4. I was not a party in the divorce proceedings between my brother, Sylvester Griffin and my former sister-in-law, Lottie Griffin.

5. In August, 1994, I was informed by my brother's attorney that the lands that I own were being advertised for sale and to be sold because of a money judgment from the divorce that my former sister-in-law has against Sylvester.

6. After finding this out, I came to Jackson to consult with my brother's attorney to find out how I can protect my property and stop the sale of my lands. After discussing the facts of what had happened before and after I acquired the lands from Tracy, he researched the law. From the facts and the legal research, we came to the decision to file documents to challenge the sale of my lands to satisfy the judgment of Sylvester. Because there was no delivery of the 1983 deeds on the part of Tracy Griffin to Sylvester Griffin, nor was there any acceptance by Sylvester Griffin of the deeds and property described in Tracy Griffin's 1983 deeds, we came to the conclusion that the transaction was totally void and could be and should be challenged. Because of the facts and circumstances surrounding the recording of these 1983 deeds in 1989 by Nancy Beck; we feel that we have a good, meritorious claim and challenge to the sale of my properties to satisfy the judgment against Sylvester. That in the end, we will succeed in canceling the deeds which places Sylvester's name in the chain of title, which said deeds were filed and recorded by Nancy Beck without the authority of my niece, Tracy Griffin Madison, or my brother, Sylvester Griffin.

7. Also, because some of the properties which I now own, but at the time of the divorce had been owned by Tracy Griffin Madison, we felt that we would have to challenge and attack that part of the divorce decree which granted ownership in these lands to Sylvester Griffin and Lottie Griffin. This challenge would also be based on the fact that the recording of the 1983 deeds without delivery on the part of Tracy Griffin and also without the acceptance of Sylvester Griffin and were void transactions. Because of the void nature of these transactions, the court in the divorce hearing could not make the transactions valid.

8. Also, we knew that the properties which were owned by my sisters, Clyda Mae Myers and Tamora Robinson would eventually be advertised for sale to attempt to satisfy the judgment Lottie Griffin holds against Sylvester. The lands that they own have the same factual set of events of deeds being filed and recorded without permission or authority from my mother, Eolyn Griffin or my brother, Sylvester. Because there was no delivery on the part of my mother to Sylvester, nor any acceptance by Sylvester of deeds from my mother, we felt that the same problem I was experiencing would also be experienced eventually by my sisters. That at a hearing held on August 15, 1994, on my Motion for an injunction to stop the sale of my properties, this situation was discussed, and the court suggested that all the properties in question be brought before the court at the same time. It was after this hearing that I contacted my sisters, Tamora Robinson and Clyda Mae Myers and we decided to bring the lawsuit to cancel these deeds which were recorded by Nancy Beck and to attack a portion of the "amended" final decree of divorce, which, awarded property owned by Tracy Griffin to Lottie Griffin and Sylvester Griffin as marital assets.

9. The suit which I and my sisters filed in August, 1994 has several aspects to it. It is a lawsuit to cancel the deeds recorded by Nancy Beck, placing the name of Sylvester Griffin in the chain of title, to which the judgment obtained by Lottie Griffin against Sylvester Griffin has attached. Additionally it is a suit attacking that portion of those "Amended" divorce decrees commencing in January, 1991 in case number 137,128, wherein the Court decreed these propertites to be marital assets Basically this suit is to quiet and confirm title in these properties to me, canceling any clouds on my title; all of which is a different kind of lawsuit from the divorce proceeding which originally divested property away from Tracy Griffin.

9. I have paid the taxes on these properties for the years 1991 and 1992.

10. I have never been sued by Lottie Griffin or anyone to challenge the title to my properties. Also to my best knowledge and belief Tracy Griffin Madison has never been sued by Lottie Griffin or anyone to challenge the title to the properties which she deeded to me in 1991.

11. I never received any notification from the Court or from Lottie Griffin's attorneys that my properties were being sold to to pay for the judgment against my brother, Sylvester.

12. I claim title to my lands directly from Tracy Griffin Madison and not thru any deeding of property away from her to my brother, Sylvester when deeds were taken from my mothers house.

AND THE AFFIANT SAYETH FURTHER NOT.

/s/ Claude Griffin
CLAUDE GRIFFIN

SWORN TO AND SUBSCRIBED before me, this the 26th day of June, 1995.

/s/ Edwin E. Kerstine
NOTARY PUBLIC

My Commission Expires:
4/27/1998

# APPENDIX I

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON

PLAINTIFFS

VS. CIVIL ACTION NO. G-94-1849

LOTTIE GRIFFIN (CAMPBELL)

DEFENDANT

STATE OF MISSISSIPPI
COUNTY OF HINDS

**AFFIDAVIT OF CLYDA MAE MYERS**

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, the within named CLYDA MAE MYERS who being first duly sworn by me, on her oath deposes and states the following, to-wit:

1. My name is Clyda Mae Myers, and I am an adult resident citizen of Hinds County, Mississippi.

2. I am competent to testify in the lawsuit now filed in the Chancery Court of Hinds County, Mississippi, being Claude Griffin, Clyda Mae Myers and Tamora Robinson vs. Lottie Griffin (Now Campbell) case number G-94-1849 and I am a party Plaintiff in this suit.

3. In January, 1991 my mother, Eolyn Griffin conveyed to me the following described properties in

Jackson, Mississippi, the legal description to these properties I acquired in 1991 along with their addresses are as follows:

Tract 1:

Lot 22, Block "48", Elraine Resurvey, Part 1, a Subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 4, at page 70, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Clyda Mae Myers from Eolyn Griffin, by Deed dated January 24, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 393 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: 3447 Midlawn, Jackson, Mississippi

Tract 2:

Lot 13, Block "45", Elraine Resurvey, Part 1, a Subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 4, at page 70, reference to which is made in aid of and as a part of this description.

Being the property conveyed to Clyda Mae Myers from Eolyn Griffin, by Deed dated January 24, 1991, and recorded on August 22, 1994 in Deed Book

4346, at page 387 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: Munsey Street, Jackson, Mississippi

Tract 3:

Lot 10 and 11, Block "45", Elraine Resurvey, Part 1, being a Resurvey of a part of "Elraine" a Subdivision of lands in said district of said County, as shown by the plat of said Subdivision and said Resurvey on file in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Being the property conveyed to Clyda Mae Myers from Eolyn Griffin, by Deed dated January 24, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 389 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.

Street Address: 2226 Munsey Street, Jackson, Mississippi

4. I was not a party in the divorce proceedings between my brother, Sylvester Griffin and my former sister-in-law, Lottie Griffin.

5. In August, 1994, I was informed by my brother, Claude Griffin, that the lands that I own were subject to being advertised for sale and to be sold because of a money judgment from the divorce that my former sister-in-law has

against Sylvester. My properties were being sold to pay Sylvester's judgment.

6. After finding this out, I discussed with my brother and my sister Tarmora, who also owns property which came from my mother, how I can protect my property and stop the future sale of my lands. We met with Claude's attorney, Edwin Kerstine, and after discussing the facts of what had happened before and after I acquired the lands from my mother. From the facts and the legal research he had done with Claude's property, a decision was made to file a lawsuit to challenge any future sale of my lands to satisfy the judgment of Sylvester.

7. In regards to the property at 2226 Munsey, being lots 10 and 11 of Block 45 of Elraine Resurvey, Part 1, Hinds County, Mississippi; because there was no delivery of the November 16, 1967 deed from Eolyn Griffin to Sylvester Griffin, nor was there any acceptance by Sylvester Griffin of this deed; we feel that the recording of this deed by Nancy Beck on November 6, 1989, conveying title to Sylvester Griffin, without authority, consent or permission from my mother or my brother, Sylvester, is void. That there was no conveyance of title to this property from my mother to my brother, Sylvester, and this should be and could be effectively challenged.

8. In regards to the property on Munsey Street being lot 13 of Block 45 of Elraine Resurvey, Part 1, Hinds County, Mississippi; because there was no delivery of the August 23, 1971 deed from Eolyn Griffin to Sylvester Griffin, nor was there any acceptance by Sylvester Griffin of this deed; we feel that the recording of this deed by Nancy Beck on November 6, 1989, conveying title to Sylvester Griffin, without authority, consent or permission from my mother or my brother, Sylvester, is void. That there was no

conveyance of title to this property from my mother to my brother, Sylvester, and this should be and could be effectively challenged.

9. Concerning my property at 3447 Midlawn Street, being lot 22 of Block 48 of Elraine Resurvey, Part 1, Hinds County, Mississippi; because there was no delivery of the June 28, 1973 deed from Eolyn Griffin to Sylvester Griffin, nor was there any acceptance by Sylvester Griffin of this deed; we feel that the recording of this deed by Nancy Beck on November 6, 1989, conveying title to Sylvester Griffin, without authority, consent or permission from my mother or my brother, Sylvester, is void. That there was no conveyance of title to this property from my mother to my brother, Sylvester, and this should be and could be effectively challenged.

10. Because of the facts and circumstances surrounding the recording of these deeds in 1989 by Nancy Beck; we feel that we have a good, meritorious claim and challenge to the sale of my properties to satisfy the judgment against Sylvester. That in the end, we will succeed in canceling the deeds which places Sylvester's name in the chain of title, which said deeds were filed and recorded by Nancy Beck without the authority of my mother, Eolyn Griffin, or my brother, Sylvester Griffin.

11. For the reason cited above, this is why my brother, Claude; my sister, Tamora; and myself joined together and filed a suit to cancel these deeds which were filed for recording by Nancy Beck and to challenge the selling of these properties to pay for the judgment against Sylvester.

12. The aspect of the suit which I, my brother and sister filed in August, 1994 has several aspects to it. My portion of this lawsuit is to cancel the deeds recorded by

Nancy Beck, placing the name of Sylvester Griffin in the chain of title, to which the judgment obtained by Lottie Griffin against Sylvester Griffin has attached. Basically this suit is to quiet and confirm title in these properties to me, canceling any clouds on my title; all of which is a different kind of lawsuit from the divorce proceeding which originally divested property away from Eolyn Griffin.

13. The taxes for 1991 and 1992 were paid for me by Claude Griffin, my brother, in behalf of my interest in the property.

14. I have never been sued by Lottie Griffin or anyone to challenge the title to my properties. Also to my best knowledge and belief my mother during her lifetime was never sued by Lottie Griffin or anyone to challenge the title to the properties which she deeded to me in 1991.

15. I never received any notification from the Court or from Lottie Griffin's attorneys that my properties were being sold to to pay for the judgment against my brother, Sylvester.

16. I claim title to my lands directly from my mother and not thru any deeding of property away from my mother to my brother, Sylvester when deeds were taken from her house.

AND THE AFFIANT SAYETH FURTHER NOT.

/s/ Clyda Mae Myers
CLYDA MAE MYERS

SWORN TO AND SUBSCRIBED before me, this the 24th day of June, 1995.

/s/ Edwin E. Kerstine
NOTARY PUBLIC

My Commission Expires:
4/27/1998

# APPENDIX J

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON

PLAINTIFFS

VS. CIVIL ACTION NO. G-94-1849

LOTTIE GRIFFIN (CAMPBELL)

DEFENDANT

STATE OF MISSISSIPPI
COUNTY OF HINDS

**AFFIDAVIT OF TAMORA ROBINSON**

PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, the within named TAMORA ROBINSON who being first duly sworn by me, on her oath deposes and states the following, to-wit:

1. My name is Tamora Robinson, and I am an adult resident citizen of Hinds County, Mississippi.

2. I am competent to testify in the lawsuit now filed in the Chancery Court of Hinds County, Mississippi, being Claude Griffin, Clyda Mae Myers and Tamora Robinson vs. Lottie Griffin (Now Campbell) case number G-94-1849 and I am a party Plaintiff in this suit.

3. In January, 1991 my mother, Eolyn Griffin conveyed to me the following described property in Jackson,

Mississippi, the legal description to this property I acquired in 1991 along with its address is as follows:

> Lot Twenty (20), Block "L", Plymouth Heights, 3rd Unit, a Subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, in Plat Book 3,at page 68, reference to which is made in aid of and as a part of this description.
>
> Being the property conveyed to Tamora Robinson from Eolyn Griffin, by Deed dated January 17, 1991, and recorded on August 22, 1994 in Deed Book 4346, at page 391 of the Deed Records as found in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi.
>
> Street Address: Lot on Larkspur, Jackson, Mississippi.

4. I was not a party in the divorce proceedings between my brother, Sylvester Griffin and my former sister-in-law, Lottie Griffin.

5. In August, 1994, I was informed by my brother, Claude Griffin, that the land that I own was subject to being advertised for sale and to be sold because of a money judgment from the divorce that my former sister-in-law has against Sylvester, My property was being sold to pay Sylvester's judgment.

6. After finding this out, I discussed with my brother and my sister, Clyda, who also owns properties which came from my mother, how I can protect my property and stop the

future sale of my land. We met with Claude's attorney, Edwin Kesrstine, and after discussing the facts of what had happened before and after I acquired the land from my mother. From the facts and the legal research he had done with Claude's property, a decision was made to file a lawsuit to challenge any future sale of my land to satisfy the judgment of Sylvester.

7. In regards to the property on Larkspur, being lot 20 of Block "L" of Plymouth Subdivision, Unit 3, Hinds County, Mississippi; because there was no delivery of the December 8, 1988 deed from Eolyn Griffin to Sylvester Griffin, nor was there any acceptance by Sylvester Griffin of this deed; we feel that the recording of this deed by Nancy Beck on September 26, 1989, conveying title to Sylvester Griffin, without authority, consent or permission from my mother or my brother, Sylvester, is void. That there was no conveyance of title to this property from my mother to my brother, Sylvester, and this should be and could be effectively challenged.

8. Because of the facts and circumstances surrounding the recording of this deed in 1989 by Nancy Beck; we feel that we have a good, meritorious claim and challenge to the sale of my property to satisfy the judgment against Sylvester. That in the end, we will succeed in canceling the deed which places Sylvester's name in the chain of title, which said deed was filed and recorded by Nancy Beck without the authority of my mother, Eolyn Griffin, or my brother, Sylvester Griffin.

9. For the reason cited above, this is why my brother, Claude; my sister, Clyda; and myself joined together and filed a suit to cancel these deeds which were filed for recording by Nancy Beck and to challenge the selling of these properties to pay for the judgment against Sylvester.

10. The aspect of the suit which I, my brother and sister filed in August, 1994 has several aspects to it. My portion of this lawsuit is to cancel the deeds recorded by Nancy Beck, placing the name of Sylvester Griffin in the chain of title, to which the judgment obtained by Lottie Griffin against Sylvester Griffin has attached. Basically this suit is to quiet and confirm title in this property to me, canceling any clouds on my title; all of which is a different kind of lawsuit from the divorce proceeding which originally divested property away from Eolyn Griffin.

11. The taxes for 1991 and 1992 were paid for me by Claude Griffin, my brother, in behalf of my interest in the property.

12. I have never been sued by Lottie Griffin or anyone to challenge the title to my properties. Also to my best knowledge and belief my mother during her lifetime was never sued by Lottie Griffin or anyone to challenge the title to the properties which she deeded to me in 1991.

13. I never received any notification from the Court or from Lottie Griffin's attorneys that my properties were being sold to to pay for the judgment against my brother, Sylvester.

14. I claim title to my lands directly from my mother and not thru any deeding of property away from my mother to my brother, Sylvester when deeds were taken from her house

AND THE AFFIANT SAYETH FURTHER NOT.

/s/ Tamora Robinson
TAMORA ROBINSON

SWORN TO AND SUBSCRIBED before me, this the 24th day of June, 1995.

/s/ Edwin E. Kerstine
NOTARY PUBLIC

My Commission Expires:
4/27/1998

# APPENDIX K

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

CLAUDE GRIFFIN, CLYDA MAE MYERS
AND TAMORA ROBINSON

APPELLANTS

VS. CASE NO. 96-CA-187 COA

LOTTIE GRIFFIN (CAMPBELL)

APPELLEE

## PETITION FOR RE-HEARING

**COMES NOW,** the Appellants, and Petitions this Court for a re-hearing on their Appeal and for cause would show unto the Court the following:

On July 21, 1998, the Court of Appeals in a five to five split decision handed down its opinion affirming the Chancellor's ruling in dismissing Appellants' cause of action on the theory of Res Judicata and Collateral Estoppel. In addition, the Court found no abuse of the Chancellor's discretion in denying discovery. Appellants will address these issues in their Petition for Rehearing as they appeared in the appeal and the opinion.

Sylvester and Lottie Griffin first attempted divorce on July 11, 1983; however, whatever problems they were having then were reconciled and they lived together until November, 1988, when the second divorce was filed, then litigated and the marriage ended. In the facts of this case as set out by this Court, the Court took the position that during the divorce proceeding, the eight deeds now in litigation

were discovered by Lottie Griffin who then allegedly obtained permission from the Chancery Court to record same. Each of the eight deeds named Sylvester Griffin as the Grantee. The majority is of the opinion that the Appellants' are now successors in title to Sylvester Griffin. The minority's opinion has taken the opposing view and found that the Appellants' are predecessor in title to these eight parcels of land.

If Lottie did indeed discover these deeds, her discovery would have had to be in Mrs. Eolyn Griffin's home, and specifically in Mrs. Eolyn Griffin's closet, for that is where Mrs. Eolyn Griffin kept all eight deeds for safe keeping. (See Affidavit of Patrick S. McCarthy, R.E. 336, R. 579). Further Lottie Griffin's discovery would have had to taken place sometime after December 9, 1988, because that is the date of the last dated deed which was in Mrs. Eolyn Griffin's possession. It should be noted that the December 9, 1988, deed was executed and dated after Sylvester and Lottie separated and after the Complaint for Divorce had been filed on November 16, 1988. (See Tract IV, Deed (2): Appellants' Brief page 8)

The Appellants' view is in line with that of the minority opinion in that the Appellants' are predecessors in title. Appellants' view is that Sylvester Griffin obtained no title at all because the deeds were fraudulently obtained and recorded without delivery by the Grantors and without acceptance by the Grantee; thus a void conveyance. The Appellants' claim of title stems directly from either Eolyn Griffin (Sylvester Griffin's mother) or from Tracy Griffin Madison (Sylvester Griffin's daughter) and even though in 1989, Nancy Beck, without permission, had these stolen deeds recorded, the recording of these void deeds never

divested Eolyn Griffin nor Tracy Griffin Madison out of their titles to their lands.

I. WERE THE DEEDS FRAUDULENTLY RECORDED SO AS TO RENDER THE CHANCELLOR'S JUDGMENT VOID.

The Appellants respectfully submit to this Court that the Court misapplied property law and the facts of this case, when it found there was a valid transfer of property through acceptance of the deeds which were recorded by Nancy Beck, when the other necessary requisite for transfer of property i.e. delivery, was not present. In the majority opinion, the Court found that there was no evidence to support the Appellants' allegations that the Chancellor's judgment was based on void conveyances, and thus concluded the properties in litigation belonged to Sylvester Griffin because he had used many of the properties as an income tax deductions. (Actually he used three of the eight properties claimed by the Appellants on his income tax returns). (Appellee's Brief pgs. Ex 86-105). Thus under Odom v. Forbes 500 So.2d 997 (Miss. 1987) the Court found that Mr. Griffin's acts showed ownership. However, the Odom case at 1001 goes on to say "there is a presumption of delivery of a deed found in the possession of the Grantee. ... (it is a) rebuttable presumption." The facts of this case clearly show that the Grantee has never had possession of the deeds, whether before recording or thereafter. Originally the deeds were in the actual possession of Eolyn Griffin in her home. From there, these deeds surreptitiously moved from Mrs. Griffin's home and found their way and came into the possession of Nancy Beck who was Lottie Griffin's attorney. After Ms. Beck recorded these

deeds, via an alleged permission of the Chancellor, a position claimed only by the Appellee, the deeds were never given to the Grantors or the Grantee. (See Affidavit of Sylvester Griffin, R.E. 159, R. 400).

To transfer property under property law, the formula is: delivery plus acceptance equals a valid conveyance. Salmon v. Thompson, 391 So.2d 984, 986. (Miss. 1980). The majority must have assumed there was a valid delivery by the Grantors because the majority only looked at the act of Sylvester Griffin and his income taxes write-offs to make the conclusion there was a total completed act: i.e. **delivery** as well as acceptance, on each and every deed. Delivery, the first half of the formula, is totally missing and never addressed in the case sub judice. It appears that this Court looked only at the acceptance half of this equation through income tax write-offs and found a valid conveyance. Yet, when looking at income tax write-offs, it was held in Estate of Franklin v. Commissioner of Internal Revenue 544 F.2d 1045, 1049 (9th Cir. 1976) that "depreciation is not predicated upon ownership of property but rather upon an investment in property." Whether or not Sylvester Griffin had a right or not to use as a write-off three properties of these properties which he had originally owned but conveyed to his daughter in 1983 is between him, his accountant, and the IRS. It does not necessarily mean ownership, it does not necessarily mean acceptance of deeds which were never delivered.

Looking at delivery, the record is devoid of any evidence or facts which would establish the delivery half of the equation. To the contrary, the record indicates that there was no delivery. Nowhere in the record can it be shown that there was an actual and freely given delivery of these deeds by the Grantors. Appellants' realize that an Appellate Court

need not discuss and pass on all points raised on appeal, 21 C.J.S. Courts §174, p. 210; however, this writer is of the opinion that you cannot complete this conveyance transfer formula by using only one half of the equation. You must look at the whole picture, for delivery is just as essential to the equation as acceptance. Valid transfer of property cannot exist without both parts of the formula being completed. As it is said in Salmon at 986, that

> "acceptance and delivery of the instrument work together and complement each other. There must be a complete and unequivocal delivery of a deed of conveyance in order for it to vest title in the purported grantee." Reeves v. Reeves 374 So. 2d 791 (Miss. 1979).
>
> It is essential to delivery that the Grantor part with dominion and control over the deed without reservation, so that it is beyond the possibility of recovery, and as a general rule, it is also essential that he relinquish the possession. If the Grantor retains the right to control or reclaim the deed, there is no delivery even though he never exercises his right to control or reclaim." 26 C.J.S. Deeds § 42, p 683.Further it has been held that the recording of a deed is not a delivery by the Grantor to the Grantee, unless the deed comes from the hand of the Grantor or someone claiming through or under him. 26 C.J.S. Deeds § 44, p 696.

From the record before the Court, the Court applied the dicta of Odom v. Forbes to find valid acceptance on the part of Sylvester Griffin. However, this Court failed to recognize that it is a two prong formula and the Court did not apply Odom to the delivery half of the equation. It is apparent that Mrs. Eolyn Griffin, even though she executed deeds to her son, never delivered these deeds to him. There was no delivery even though the Appellee would have us believe there was a delivery because the word deliver appears in the notary acknowledgment of these deeds. (Appellee's Brief, p.27.) Appellants' contend that there must be more than words in a notary acknowledgment to effectuate a delivery, especially under the circumstances in this case that Mrs. Eolyn Griffin never lost control or domain over the deeds until they were taken from her and discovered and recorded by Nancy Beck and Lottie Griffin. From her act of holding on to these deeds from as early as 1967 to the time the deeds were stolen, this fact clearly reflects her intentions that she did not want to lose control of her property until she was ready. See Odom, at 1001.

A review of the record shows that as to four of the eight deeds under controversy title was clearly vested in Eolyn Griffin. These properties were never first vested in Sylvester then to Eolyn and then back again to Sylvester via the Nancy Beck recording in 1989. These properties are:

(1) Lot on Larkspur: (Appellee's Exhibits pgs. Ex 55 - 60)
(Appellants' Exhibits R.E. pgs. 35 - 39)

(2) 2226 Munsey: (Appellee's Exhibits pgs. Ex 61 - 66)
(Appellants' Exhibits R.E. pgs. 35 - 39)

(3) 3447 Midlawn: (Appellee's Exhibits pgs. Ex 67 - 72)
(Appellants' Exhibits R.E. pgs. 35 - 39)

(4) Lot on Munsey: (Appellee's Exhibits pgs. Ex 73 - 79).
(Appellants' Exhibits R.E. pgs. 35 - 39)

A closer examination of the conveyances reveals the following
facts as to each.

(1) Larkspur Property:

Purchased by Mrs. Griffin on August 24 1973 from Mr. Houston Smith. Deed to Sylvester executed on December 9, 1988, Nearly one month after the Divorce Complaint was filed by Sylvester Griffin. Mrs. Griffin did not execute a deed to Sylvester Griffin for 15 years after she first acquired it. Thisdeed was held by her for nearly one yea before it was stolen from her and recorded by
Nancy Beck.

(2) 2226 Munsey:

Purchased by Mrs. Griffin on November 16, 1967, from Ms. Rebecca Strong. Deed to Sylvester executed on November 16, 1967, which was 8 months before Sylvester and Lottie got married. This deed was held by her for 22 years before it was stolen from her and recorded by Nancy Beck.

(3) 3447 Midlawn:

Purchased by Mrs. Griffin on June 28, 1973, from George Gilmore. Deed to Sylvester executed on July 21, 1973. This

deed was held by her for 16 years before it was stolen from her and recorded by Nancy Beck.

(4) Lot on Munsey:

Purchased by Mrs. Griffin on August 23, 1971, from Betty Sanders. Deed to Sylvester executed on August 23, 1971. This deed was held by her for 18 years before it was stolen from her and recorded by Nancy Beck.

It appears that Mrs. Eolyn Griffin "acted totally at odds with any actual delivery of these deeds. Greenlee v. Mitchell 607 So.2d 97 (Miss. 1992).

Lastly it is a fact that these four properties were never used by Sylvester Griffin on his income tax returns for any purpose. (See Appellee's Exhibits pgs Ex 86 --105 IRS 1040's for 1988, 1989 and 1990).

Yet according to the Appellee and now affirmed by the Court of Appeals, all eight properties, including the four cited above, were adjudicated to be that of Sylvester Griffin after the deeds were stolen and recorded.

It appears from this Court's decision, that some credibility or credence was given by this Court to the allegation by Nancy Beck that she had permission from the judge to have the deeds recorded. The record produced in the divorce case between Sylvester Griffin and Lottie Griffin since its inception is 8 file folders thick or a depth of about two feet. In June, 1995 Sylvester Griffin reviewed all the documents filed in his divorce case to that date and found that there was no court order in the divorce case which authorized and directed Nancy Beck to record the deeds which she said she found (discovered) on her doorsteps. (See Affidavit of Sylvester Griffin: Appellants' R.E. 157, R. 398).

Also see Appellants' R.E. 308, R. 551).

> "A court can speak only through their records... the only court orders entitled to recognition are those appearing of record or intended, at the time when they were made, to appear on the record, and all orders of court not entered of record are extra-judicial and void. Only the records which are made in the course of judicial duty are however of force." 21 C.J.S. Courts §178, p. 214.

In the responses to admissions, Lottie Griffin admitted that no consent or permission was obtained first prior to recording the deeds. That permission allegedly stemmed from the judge. (Appellants' R.E. 387, R. 192, read with R.E. 368-370, R. 171-173). But there is no Court order allowing the recordation to take place. This then begs the question, could the Chancellor grant permission to have the deeds recorded to someone who claims she found the deeds? (See Admission of Nancy Beck: Appellant R.E. 169, R. 410) Does not the Court need to bring the Grantor of that **found deed** into Court before telling someone to go record a deed, which would divest the Grantor of the lost deed of his property rights without due process.

As to the deeds of Tracy Griffin, which were recorded by Nancy Beck, again there is no evidence that Tracy Griffin Madison ever delivered her four deeds to her father prior to recordation. Again half of the equation missing, but the Chancellor took three of the four properties which originally were title in Tracy Griffin's name and adjudicated them to be part of the marital assets of Lottie and Sylvester Griffin. As stated above, the recording of

these deeds does not make a completed delivery and acceptance. 26 C.J.S., Deeds § 51, p. 709. The only Tracy property the Chancellor did not assess to be marital assets was Tracy's property located at 232 and 232 1/2 Wacaster. This is perhaps because the property first belonged to Tracy before its became Sylvester's and back to Tracy.

This Court found all eight of the recorded deeds to be valid, and therefore found the Appellants to be successors in title to Sylvester Griffin. It is the contention of the Appellants that none of the eight deeds taken from the home of Eolyn Griffin which ended up on the doorsteps of Nancy Beck are valid instruments meeting the necessary requisites of a good valid delivery and a good valid acceptance to make them operative in law and equity to convey property. Without both requisites being present these deeds are void, they cannot convey title to property, and control and title to the property remained in the hands and control of the Grantors, who in this case were Eolyn Griffin and Tracy Griffin Madison. See Martin v. Adams 62 So.2d 328 (Miss. 1953) and Hughes v. Hahn, 209 Miss. 293, 46 So.2d 587 (Miss. 1950). The named Grantee in a void deed cannot convey title to property because title was never divested out from the Grantor. The deeds are void for all purposes including the attachment of liens against the property. Further, as contended originally in Appellants' Brief, the Chancery Court by its act adjudicating some of these parcels to be marital assets cannot validate a void transaction. See Bryant v. Lovitt 97 So. 2d 730 (Miss. 1957). Again this is why the Appellants contend that portion of the Judgment of Divorce and its amendments where the judgment touches upon these properties, that portion is void.

The void aspect of these deeds gives Sylvester Griffin nothing. There is no title or ownership of these properties

which Sylvester Griffin can claim as a result of these undelivered and unaccepted deeds being recorded. Any act he does with these properties is void and has no force and effect upon the Grantor and any subsequent holder of title from the original Grantor. For these reasons, the Appellants contend that the Court of Appeals has drawn the wrong conclusions of law when applied to the facts of this case. The Appellants are not successors in title to Sylvester Griffin because Sylvester Griffin acquired no title or ownership to convey. The Appellants are successors in title to Eolyn Griffin and Tracy Griffin, who were never divested of title.

Lastly, because of the void nature of the conveyances, the portion of the former judgment which deal with these properties are ripe for a collateral attack by the Appellants.

## II. DID THE CHANCELLOR ERRONEOUSLY APPLY THE DOCTRINES OF RES JUDICATA AND COLLATERAL ESTOPPEL TO BAR THE APPELLANTS' LAWSUIT?

The Court found that all four identities of the Res Judicata principal exist in the case at hand, therefore the Appellants are precluded from re-litigating a specific issue actually litigated. The Court misapplied incorrect facts and law to this issue when found under identity of the parties that complete identify had been met in the case sub judice even though it was not strict identity. Norman v. Bucklew 684 So.2d 1246 (Miss. 1996). The Appellants are not saying that privity will not satisfy this requirement for there are numerous cases that holds privity does satisfy this prong of res judicata. Specifically the Appellants challenge the conclusion first drawn by the court that the Appellants are

successors in title to Sylvester Griffin. As set out in Issue I above, the Appellants contend that the Appellants cannot be successors in title because there was no title or ownership in property Sylvester acquired when the Nancy Beck recorded those deeds. No Delivery, No Acceptance equal a void conveyance and it does not invest with the Grantee any title. 23 Am Jur.2d Deeds §121, p. 157. Thus the Appellants could not be successors in title to Sylvester Griffin, because he had no title to convey.

Also the Appellants challenge the statement made by the court that "The Appellants argue that since Sylvester was not a party to the Complaint for Declaratory Judgment, the third requirement for Res Judicata was not satisfied." (COA Opinion pgs 3-4). The Appellants never stated this. What the Appellants did state in their Brief was that "Plaintiffs (Appellants herein) in this suit were never a party to the litigation between Sylvester Griffin and Lottie griffin in cause number 137,128. Further, neither Eolyn Griffin nor Tracy Griffin Madison, who are the actual and real predecessors in title to the lands owned by the Plaintiffs/Appellants, were ever made parties to the litigation between Sylvester and Lottie Griffin." (R.E. 157,161, R. 398, 402). If privity is to be found here for the satisfaction of this requirement, then Eolyn Griffin and Tract Griffin Madison should have been made parties to the original divorce action to litigate their property rights. This was never done. The Court has misapplied privity in this regard and the defense of Res Judicata fails for the lack of identity of the parties litigating the case. When the parties of the two actions are different, then res judicata does not apply. Cherry v. Gibbs, 501 So.2d 416, 418 (Miss. 1987). Further, the Appellants have been denied basis due p rocess under the 5th and 14th amendment of the Constitution.

III. WERE THE IDENTITIES FOR RES JUDICATA AND COLLATERAL ESTOPPEL MET WITH REGARD TO THE PROPERTIES WHICH WERE NOT ADJUDICATED IN THE PREVIOUS DECREES OF DIVORCE?

This Court stated in its opinion that "While the five properties in question were not adjudicated to be Lottie's assets, the Chancellor found that the property addressed in the divorce was clearly Sylvester Griffin and was also the subject of the Appellants' Declaratory Judgment." The Chancellor did in her opinion of January 22, 1996, in dismissing Appellants' case on the grounds of res judicata stated that "all of these judgment addressed and resolved the issues of jointly held property as well as the property owned solely by Sylvester Griffin." (R.E.10 R. 599) The Chancellor was in error when she stated that opinion, for some five and one-half years earlier, she found only three of the Nancy Beck recorded deeds to be the properties of Sylvester Griffin. The Chancellor was manifestly wrong and Appellants' contend that she drew erroneous conclusions especially regarding these properties when she dismissed Appellants' case. Nowhere in the Judgment for Divorce and\or its amendments does it address the five properties. Again: "A court can speak only through their records... the only court orders entitled to recognition are those appearing of record or intended, at the time when they were made, to appear on the record, and all orders of court not entered of record are extra-judicial and void. Only the records which are made in the course of judicial duty are however of force." 21 C.J.S. Courts §178, p. 214.

Now looking at the judgment and amendments: they clearly and unambiguously set out the following:

(9) The court further finds that the **jointly owned** rental properties namely:
(a) 3327 Morton
(b) 619 A & B Hughes
(c) 3411 A,B,& C Missouri
(d) 231 Wacaster

**and**

(1) 3863 Slayton
(2) 1029 Carnation
(3) 2 lots on Idaho St.

**titled in Sylvester Griffin name only** are marital assets and should be treated exactly as the jointly owned rental properties: (Amended Decree: dated January 22, 1991, R.E. 65 - 71); (Amended Decree: dated February 19, 1990, R.E. 72 - 79); and (Amended Decree: dated May 1, 1991, R.E. 80 -81). This amended judgment was based on what the Chancellor originally stated. In fact the Chancellor's opinion concerning the property set out above as regarding Slayton, Carnation and Idaho can be found in the Chancellor's opinion of November 30, 1990, where she specifically stated the following:

Mrs. Griffin seeks to have the Court reconsider its decision regarding the .... division of certain properties owned by Mr. Griffin... The Court had previously ordered certain pieces of rental property be equally divided between the parties. Those pieces of property were awarded one half to Mrs. Griffin based on her testimony that she was involved in the upkeep and handling of these rental properties. However there are additional pieces of rental property that **are currently in the name of Sylvester Griffin or his mother, Eola Griffin, or**

**his daughter, Tracy Griffin.** Mrs. Griffin seeks an award of one half of that real property as well.

The Court intended to rule that any rental property purchased by Mr. Griffin during the marriage was a marital asset...

On review of the original opinion, the Court finds that the property at 3868 Slayton, 1029 Carnation and Idaho Street are marital assets and should be divided along with the other rental properties, those properties having been purchased during the marriage of the parties by Mr. Griffin. (Appellants' R.E. 242, R. 483) (Emphasis added)

There is no question that the property which belonged to Eolyn Griffin were never purchased by Sylvester Griffin during the marriage of the parties. Yet because of the unauthorized recording by Nancy Beck, these properties have now ended up imputed to Sylvester Griffin, even though it appears from the Chancellor's opinion she never in the beginning intended for the four properties which came out of the line of Eolyn Griffin as listed above to be included in the divorce. If she wanted them included she would have specifically set them out in her opinion and judgment. But this she did not do. Now, over the years they seem to have been entangled into the originally adjudicated properties and now are included with the other properties which actually were adjudicated. This is also true of the property located 232 and 232 1/2 Wacaster which was never specifically and originally decreed to be part of marital assets or property purchased by Sylvester Griffin during the marriage. These were the five properties discussed in Appellants' third assignment of error.

Again the question of identify of the litigants comes into play with this issue, but also identity of the subject

matter was misapplied because these properties were never adjudicated, therefore res judicata is not applicable in this situation. Riley v.Moreland, 537 So.2d 1348 (Miss. 1989)

## IV. DID THE CHANCELLOR ABUSE HER DISCRETION IN PRECLUDING THE APPELLANTS FROM PURSING DISCOVERY?

The Appellants contend that the Court misapplied both the law and the facts of this case to find that the Chancellor did not abuse her discretion in denying discovery. Discovery was commenced on December 22, 1995, by the Appellants by the serving upon the Appellee Propounded Interrogatories, Request for Production of Documents and Request for Admissions, the Appellee did not respond. On March 14, 1995, Appellants filed a Motion to Compel Discovery and deem the Admissions Requested be admitted to which the Appellee on March 16, 1995, filed a two page response to this Motion but did not respond to the discovery previously requested. (Appellants' R.E. 382, R. 185). On April 14, 1995. Appellants noticed the Appellee for a hearing on their Motion to Compel to which response were filed by Appellee to the discovery, however, the Interrogatories and the Production request were all objected to by the Appellee on the basis of Res Judicata. (See Appellants' R.E. 385 -- 387, R. 190-- 192). The Chancellor ruled that all discovery was to be held in abeyance (Appellants' R.E. 13, R. 250) until she ruled on the Appellee's Motion to Dismiss, which now was proceeding under Rule 56 of M.R.C.P. From a review of the case, no discovery was permitted. It was stopped at the very onset by the refusal of the Appellee to respond and then later by the Chancellor in granting the Appellee relief of complying with discovery and ordering

that all responses to discovery be held in abeyance until the Appellee Motion to Dismiss under Rule 56 had been ruled upon. Appellants contend that in making this ruling the Chancellor did abuse her discretion and cause road blocks in the path of litigation, which discovery, if had been permitted, may have been used by the Appellants in responding to the Motion to Dismiss under Rule 56. The Appellants understand that "the control of discovery is a matter committed to the sound discretion of the trial judge." Broadhead v. Bonita Lakes Mall Ltd. Partnership, 520 So.2d 92 (Miss. 1997), however it should be noted that in that case discovery proceed was not block from the beginning by the opposing party such as we have in the instant case. As to the Marx v. Truck Renting & Leasing Ass'n, Inc., 520 So.2d 1333 (Miss. 1987) cited by this court was a case where the party who was opposing a summary judgment requested that additional discovery be made under Rule 56(f). The Court has faulted the Appellants in failing to advise the Court what they might reasonably have expected **additional discovery** to produce. Under the circumstances and facts of the instant case, the Appellants cannot do this because the Appellee gave absolutely no responses at all from the beginning to Appellants discovery request. There was no additional request of discovery made by the Appellants, all they wanted answered was the original discovery request which was never answered. How do you know what you will need or what additional information you expect to receive when you were given nothing from the beginning. Further, the Chancellor stopped all discovery from proceeding until she made a ruling on Appellee's Summary Judgment, which would be dispositive in nature. Appellants were not dilatory in making their discovery request and contend that at least some discovery should have

been permitted to proceed before they had to respond to the Motion for Summary Judgment, and the Chancellor abused her discretion in stopping the discovery from the very beginning. The Court of Appeals has misapplied the facts of the Marx case to the case before them.

## CONCLUSION

Appellants contend that the Court of Appeals has misapplied the law and the facts of this case in affirming the Chancellor's ruling in granting a summary judgment based on res judicata and collateral estoppel. The Appellants were not in any way successors in title to Sylvester Griffin. As the minority has so succinctly stated the Appellants have been denied the most fundamental right, that is to be heard on the merits of their claim, otherwise they would be denied due process. The minority has stated that the successor cannot obtain a title greater than was held by his predecessor. The Appellants contend that the majority has misapplied the law in this case and incorrectly found that Sylvester Griffin had ownership and title to the lands of the eight deeds recorded without delivery or acceptance, in fact the Court has given validity to void conveyances by declaring that the Appellants are successors in title to Sylvester Griffin.

Appellants respectfully pray that the Court will upon a re-hearing of this case, find that the eight deeds taken from Eolyn Griffin and Tracy Griffin are void, find that res judicata and collateral estoppel are not applicable to this case, and reverse and remand this case for trial on the merits of the collateral attack on the judgments. Further the Appellants pray that the Court will upon remand allow the discovery, which was denied, to proceed.

RESPECTFULLY SUBMITTED, this the 2nd day of September, 1998.

CLAUDE GRIFFIN,
CLYDA MAE MYERS
AND TAMORA ROBINSON:
APPELLANTS

EDWIN E. KERSTINE MSB # 3588
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## CERTIFICATE OF SERVICE

I, Edwin E. Kerstine, attorney for Appellants, do hereby certify that I have this day mailed via United States mail, postage prepaid, a true and correct copy of the above and foregoing PETITION FOR RE-HEARING to the following persons at these addresses:

(1) Hon. Mike Brown
3900 Lakeland Drive
Jackson, MS 39208
Attorney for Appellee

(2) Hon. Denise Owens
Chancellor
Hinds County Chancery Court Building
Jackson, MS 39201

SO CERTIFIED, this the 2nd day of September, 1998.

/s/ Edwin E. Kerstine
EDWIN E. KERSTINE
ATTORNEY FOR APPELLANTS

# APPENDIX L

IN THE SUPREME COURT OF STATE OF MISSISSIPPI

CASE NO. 96-CA-187 COA

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON APPELLANTS

VS.

LOTTIE GRIFFIN (CAMPBELL) APPELLEE

**PETITION FOR WRIT OF CERTIORARI**

COMES NOW the Appellants, Claude Griffin, Clyda Mae Myers and Tamora Robinson and pursuant to Rule 17 of the Mississippi Rules of Appellate Procedure files their Petition for a Writ of Certiorari and would show unto the Court the following, to-wit:

1.

Appellants have timely filed this Petition for Writ of Certiorari requesting the Supreme Court of Mississippi to review the decision of the Court of Appeals which affirmed the Chancellor's decision to dismiss the case at bar with prejudice on the Appellee's Motion for Summary Judgment. A copy of the Court of Appeals opinion and judgment is attached as Exhibit "A," the order denying Appellants Motion for Rehearing is attached as Exhibit "B" and a copy of the Petition for Rehearing is attached as Exhibit "C."

2.

The decision of the Court of Appeals affirming the Chancellor's findings that (1) eight fraudulently obtained and recorded deeds in question were valid, that (2) the

Appellant's were estopped from litigating the merits of their case on the theory of Res Judicata/Collateral Estoppel and that the four elements under those theories were satisfied as to these Appellants, and that (3) some of the properties which were never litigated were nonetheless ripe for the preclusion doctrines to apply involves both questions of constitutional proportions as well as fundamental issues of broad public importance requiring determination by the Supreme Court. The holding by the Court of Appeals is contrary to stare decisis and is a departure of case law regarding law conveyances, delivery and acceptance theories, as well as a departure from the elements of the preclusion doctrines and substantial due process.

**ISSUES:**

The Court of Appeals majority opinion affirming the Chancellor's ruling make up the issues presented for review:

1. Were the Deeds Fraudulently recorded so as to render the Chancellor's judgment void?

2. Did the Chancellor Erroneously apply the Doctrine of Res Judicata and Collateral estoppel to bar the Appellant's lawsuit?

3. Were the identities for Res Judicata and Collateral Estoppel met with regard to five properties which were not adjudicated in the previous decrees of Divorce?

**FACTS**

The facts presented to the Court were un-contested and un-controverted.

The Sylvester Griffin and Lottie Griffin were married in 1968 and a Complaint for Divorce was filed in 1988 in the Chancery Court of Hinds County.

During the divorce proceedings, some eight deeds which were un-delivered, un-accepted and un-recorded were stolen from the home of one Eolyn Griffin and then were

found by the Appellee's attorney who had them recorded. The recordation was done over the protest of the Sylvester Griffin, the named Grantee in each of these deeds.

That the Grantors of those deeds, i.e. Mrs. Eolyn Griffin and Mrs. Tracy Griffin Madison, were never made a party to the Divorce action between Sylvester Griffin and Lottie Griffin. These two individuals, Mrs. Eolyn Griffin and Mrs. Tracy Griffin Madison, are the predecessors in title to the Appellants. Further the three Appellants were never made a party to the divorce action between Sylvester and Lottie.

Further, five (5) of the eight (8) properties owned by the Appellants were never the subject of the litigation between Sylvester and Lottie.

## ARGUMENT

This Court has held on numerous occasions that a Chancellor's decision and findings will not be disturbed unless manifestly wrong and the wrong legal standard applied. *Anderson v. Anderson*, 692 So.2d 65,70 (Miss. 1997). In addressing issue one, the Appellants contend that the court of Appeals applied an erroneous standard when it concluded that there was delivery and acceptance of deeds, when it is un-controverted that Eolyn Griffin, the Grantor in 4 of the 8 deeds always maintained possession and control of the deeds to her son and lost control and dominion over them only because of the intervention of a third and adverse party. The same as to Tracy Griffin Madison, who lived out of state and entrusted her grandmother, Eolyn Griffin to maintain, control and keep her deeds, which were lost at the same time Eolyn Griffin deeds disappeared and then miraculously re-appeared on the doorsteps of the Appellee's attorneys office. See *Reeves v. Reeves*, 374 So. 2d 791 (Miss. 1979). The first element of a valid conveyance, i.e.

DELIVERY is missing in each and every transfer of these eight deeds to Sylvester Griffin. The intention of the Grantors is clear: they did not deliver these deeds. They kept dominion and control over these deeds and this control and dominion never voluntarily left the Grantors. Without a valid delivery, you cannot have a valid conveyance. "There must be a complete and unequivocal delivery of a deed of conveyance in order to vest title in the purported Grantee." *Salmon v. Thompson*, 391 So.2d 984 at 986, (Miss. 1980). The Court of Appeals found only an acceptance through some sort of acts by Sylvester concerning three of the eight properties and imputed this to fulfill the formulae for all properties: i.e. delivery plus acceptance equals a valid conveyance. A non-delivered deed is void. See *Martin v. Adams*, 62 So. 2d 328 (Miss. 1953). The finding of a valid conveyance in that Sylvester Griffin was the rightful owner of these properties was a misapplication by the Court of Appeals of former case law of this state. A valid judgment rendering a property settlement concerning real property must be based on a solid foundation of a valid (non-void) conveyance.

As to issue two and the application of the preclusion doctrines of Res Judicata and Collateral estoppel, again the Appellants contend that the Court of Appeals applied the wrong and erroneous standard when it found that all four requisite elements of these doctrines were present. The majority found that the Appellants were the successors in title to Sylvester Griffin and as such they stood in privity to the divorce litigation and subject to its outcome. The appellants have never taken the position that they are the successors in title to Sylvester. If there was no valid delivery, and thus the deeds which were recorded are void, then title remains with the Grantor (i.e. Mrs. Eolyn Griffin

and Mrs. Tracy Madison) See *Hughes v. Hahn*, 209 Miss. 293, 46 So.2d 587 (1950) making it impossible for Sylvester Griffin to be the predecessor in title to the Appellants. If title never left the Grantor and remained in the hands of the Grantor, then the deeds from Eolyn Griffin and Tracy Madison to the Appellants makes them the valid title holder of these properties, and Sylvester Griffin never acquired ownership and the Appellants could never be successors in title to these properties as the majority opinion has determined and as the minority opinion has pointed out.

Further, since Sylvester Griffin should not be considered in this portion of the chain of title, then any judgment from the litigation concerning these properties would be invalid where he was a party, but not the true owner of the property because title never vested with him. (See *Salmon*, supra at 986).

Further, the Court of Appeals miss-stated what the Appellants contend when the Court on pages 3-4 that "The Appellants argue that since Sylvester was not a party to the Complaint for Declaratory Judgment, the third requirement of Res Judicata was not satisfied." Just the opposite was argued by the Appellants. Their position was and has always been that they were never made a party to the lawsuit for divorce between Sylvester and Lottie, and further neither Eolyn Griffin not Tracy Griffin Madison, predecessors in title to the Appellants, were never made parties to the suit for divorce between Lottie and Sylvester. There is no privity between the Appellants and Sylvester Griffin who was the only one who was a party to the Divorce suit. Therefore, if the Appellants were not parties in the Divorce Suit, and if Mrs. Eolyn Griffin and Mrs. Tracy Griffin Madison, the Appellants' predecessors in title, were never made parties to the divorce action between Sylvester and Lottie, then res

judicata does not apply. When the parties of the two actions (Divorce and Declaratory Judgment) are different, then Res Judicata does not apply. *Cherry v. Gibbs*, 501 So.2d 416 at 418 (Miss. 1987). The Appellants believe that the Chancellor misapplied the law of prior decisions when she found that this third element of the doctrine of Res Judicata was met. Since the elements of Res Judicata and Collateral Estoppel are the same in this regard, then Collateral Estoppel cannot be found either.

These Appellants and there predecessors were never parties to any litigation concerning these properties prior to the time that they filed their Suit for Declaratory Judgment and therefore are not precluded from litigating their suit for Declaratory Judgment.

The third issue requested for review is that of five of the eight parcels of land were never made an issue in the divorce suit and were never litigated as either marital properties or non-marital asset property. Yet now, the Chancellor has adjudicated that these properties which were never subjected to litigation be deemed adjudicated under the prior divorce action, whereby subjecting these properties to the preclusion doctrines. Again, the third element of res judicata has not been met as set out above under issue two, but further, there is a lack of subject matter which further precludes the doctrine of res judicata/collateral estoppel from applying.

Lastly, the Appellants have never had their day in Court to defend title to their property. Essentially, their property is being confiscated without affording them due process of law and without just compensation, and is in total violation of the 5th and 14th amendments to the United States Constitution thereto and in violation to the Constitution of the State of Mississippi.

WHEREFORE, PREMISES CONSIDERED, the Appellants respectfully moves that Appellant's Petition for a Writ of Certiorari be granted and that the case which has been affirmed by the Court of Appeals be reviewed and that at the conclusion of said review, that this Court reverse and remand this case to the Chancery Court of Hinds County for a full hearing on the matter.

RESPECTFULLY SUBMITTED, this the 10th day of November, 1998.

CLAUDE GRIFFIN, CLYDA MAE MYERS AND TAMORA ROBINSON: APPELLANTS

/s/ Edwin E. Kerstine
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## CERTIFICATE OF SERVICE

I, Edwin E. Kerstine, attorney for Appellants, do hereby certify that I have this day mailed via United States mail, postage prepaid, a true and correct copy of the above and foregoing PETITION FOR WRIT OF CERTIORARI to the following persons at these addresses:

(1) Hon. Mike Brown
3900 Lakeland Drive
Jackson, MS 39208
Attorney for Appellee

SO CERTIFIED, this the 10th day of November, 1998.

/s/ Edwin E. Kerstine
EDWIN E. KERSTINE
ATTORNEY FOR APPELLANTS